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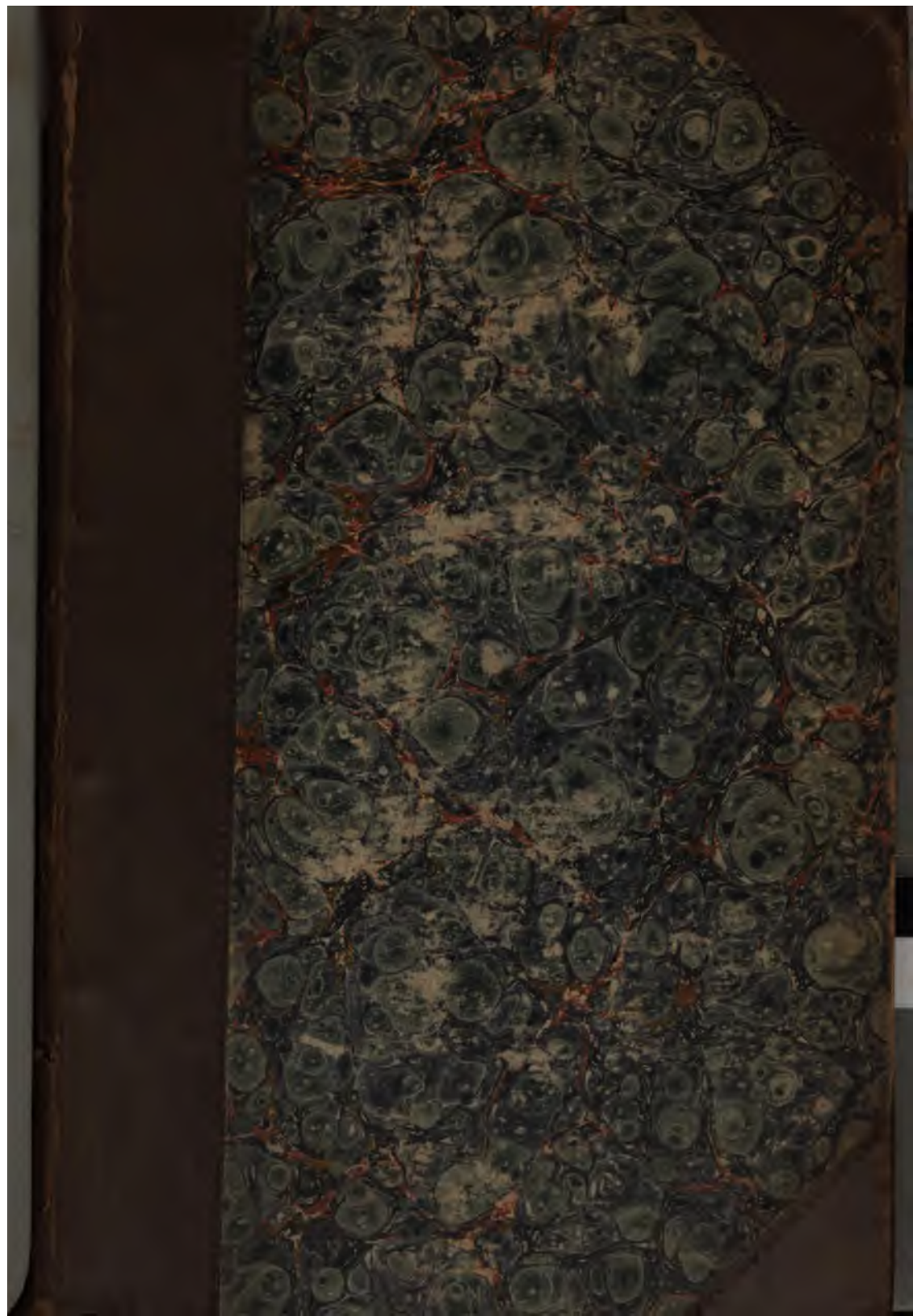
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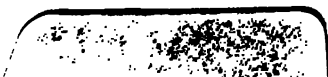




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OBSERVATIONS

1H. 1831.

**ON THE
STATE OF HISTORICAL LITERATURE,**

AND ON

**THE SOCIETY OF ANTIQUARIES, AND
OTHER INSTITUTIONS FOR ITS ADVANCEMENT
IN ENGLAND;**

**WITH REMARKS ON RECORD OFFICES, AND ON THE
PROCEEDINGS OF THE RECORD COMMISSION.**

**ADDRESSED TO THE SECRETARY OF STATE
FOR THE HOME DEPARTMENT.**

"DECIPIMUR SPECIE RECTI."

BY NICHOLAS HARRIS NICOLAS, ESQ.

BARRISTER AT LAW.

**LONDON:
WILLIAM PICKERING, CHANCERY LANE**

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**" THAT THOSE WHO PROFESS TO ADVANCE LEARNING SOMETIMES
OBSTRUCT IT CANNOT BE DENIED."**

DR. JOHNSON.

LONDON :
PRINTED BY C. WHITTINGHAM, TOOKS COURT.

JUST PUBLISHED, PRICE 2s. 6d.

A LETTER

TO

THE DUKE OF WELLINGTON,

ON THE

PROPRIETY AND LEGALITY

OF CREATING

PEERS FOR LIFE:

WITH PRECEDENTS.

SECOND EDITION.

LONDON:

WILLIAM PICKERING, CHANCERY LANE.

TO THE RIGHT HONORABLE
THE VISCOUNT MELBOURNE,
SECRETARY OF STATE FOR THE
HOME DEPARTMENT.

MY LORD,

THE high office which you fill renders it proper that Observations on the present state of Historical and Antiquarian Literature in England, with Strictures on the disbursements of the Sums of Money voted by Parliament for its advancement, should be addressed to your Lordship.

As a Statesman, Science, Literature, and the Arts have the strongest claims to your protection ; and the studies necessary for

that character must have impressed you with the importance of the History of your Country.

As the member of the Administration whose province it is to direct and superintend every measure of a domestic nature which originates with the Government, it is no less your Lordship's duty, than your desire, that the objects for which Parliament will probably vote a large sum of money should be attained in the most complete and economical manner.

The Record Commission became dissolved by the death of his late Majesty; and before another be appointed, it is highly desirable that the proceedings of the former one should be brought to your notice.

But these are not my only induce-

ments for addressing your Lordship. I am anxious to prove to you that the History of England is erroneous and imperfect; that materials exist by which it may receive most important illustrations; that notwithstanding the expenditure of about £10,000 per annum, Government virtually represses Historical knowledge; that without a revision of the present regulations of Record Offices, no hope can be entertained of its advancement; and that the assistance of which Historians stand in need would not produce any additional burthen to the Country.

In commenting upon the proceedings of the late Record Commission, it was impossible to avoid alluding to the individuals who have been employed by it, because one of the principal errors committed by the Com-

mission was in paying much too highly for the literary labour performed under its directions, and for allowing so many of its publications to be imperfectly executed. It is, however, due to myself, to assure your Lordship, that, as I am personally unknown to most of those individuals, and as I feel much respect for the two or three of them with whom I am slightly acquainted, I can have no unworthy motive to gratify in commenting upon them, as Sub-commissioners of the Public Records.

In all sincerity I disclaim the wish to wound the feelings of any one, but as public functionaries, deriving very considerable emoluments from the Country, their conduct may fairly be canvassed. I am fully sensible that the observations which I have taken the liberty of addressing to your

Lordship, may be construed by those, whose interest it is to attribute their appearance to improper motives, into a charge of "personality," well knowing that this is the usual resource of all who have improperly benefited at the public expense. But neither this imputation, nor the fear of any other which may be thrown on me, deters me from performing so great a service to Historical Literature as by endeavouring to cause the money voted for its advancement to be judiciously expended ; and still more, by striving to produce a change in the existing regulations of Record Offices.

These objects, my Lord, will, I trust, be deemed worthy of your attention ; and if under your auspices, the Public Records be made available without expense, every future Historian of England will comme-

morate the act as one of the most useful of your official career, whether viewed with reference to the benefit which, by facilitating researches, must attend it on claims to property ; or to the means which gratuitous access to the Public Muniments will afford of purging our early History of its numerous errors, and of supplying its many deficiencies.

I have the honor to remain,

MY LORD,

Your Lordship's

very obedient, humble Servant,

NICHOLAS HARRIS NICOLAS.

December 2, 1830.

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OBSERVATIONS ON THE PRESENT STATE OF HISTORICAL LITERATURE.

CHAPTER I.

IMPERFECT STATE OF ENGLISH HISTORY; AND THE CAUSE.

IN asserting that the History of England is not merely imperfect and erroneous, but that it is discreditable to a country which boasts of intellectual pre-eminence over surrounding nations, a statement is made of which every one who has devoted the smallest portion of time to the inquiry is fully persuaded; but if proof be demanded, it will be found in this incontrovertible fact, that whenever a contemporary document is discovered, and its contents are compared with our best historians, their narratives either receive elucidation which gives a new colouring to the transaction, or, as frequently happens, their representations are proved to be false.

If Historians were authentic, every new piece of evidence would be corroborative of, instead of contradictory to, what has been said on the subject to which it relates; but as scarcely any statement will bear the test of proof, great suspicion is excited on those points which have not been submitted to that ordeal, and it is therefore of importance that all possible light should be thrown on our Annals by contemporary records.

It will naturally be said, Have modern historians done nothing to elucidate our history? Has not a Commission for the publication of records which has been in operation for thirty years, and expended upwards of a quarter of a million,* printed materials by which those errors may be corrected and the deficiencies supplied? or do historical writers follow each other in one beaten track, without availing themselves of the liberal

* There is some difficulty in stating the gross amount which has been spent by the Record Commissions, because the late Parliamentary Returns only embrace the last ten years. According to the lowest calculations, however, the sum expended by the Commission in England and Scotland since its formation in 1801 is above £260,000. To this must be added the cost of a similar Commission in Ireland; so that in rating the whole expenditure, including salaries to Record Keepers and their clerks, in the last thirty years, at £350,000, no exaggeration is committed.

disposition evinced by the government, in so large an expenditure, to assist their labours? These questions are more easily than satisfactorily answered.

The only living authors entitled to the appellation of historians of England are Dr. Lingard and Mr. Sharon Turner; for though a few other persons, and especially Mr. Hallam, have written on particular events, or published historical materials, those two gentlemen alone have treated of English history generally. There is nothing paradoxical to the assertion that English history is wretchedly imperfect, in saying that, when the impediments to their inquiries are considered, those writers have done as much as could possibly be expected; but that in their works the strongest proofs may be found of the necessity of bringing to light the immense masses of historical data which are hidden amidst the chaos of public repositories. The critical sagacity of Dr. Lingard, and the deep research of Mr. Turner merit high praise, and Mr. Hallam's publications have been generally and justly applauded; but each of those writers is probably convinced that no one can produce a work deserving of the name of a History of England until the government shall render the necessary materials accessible.

The object of these observations do not admit of the errors which have been recently detected in our history being pointed out, or of comments on the serious doubts which have been suggested on subjects that have been hitherto deemed of unquestionable veracity. But to show how little progress has been made in historical knowledge, it may be asked, Has any one of the many mysterious transactions in the English annals been cleared up? Has it, for instance, been determined in what manner Richard the Second or Henry the Sixth died? Whether the two princes were murdered in the Tower by order of the Duke of Gloucester? Whether Richard the Third was the infamous character he has been represented? or has any other of the numerous *questiones veratæ* of history been satisfactorily explained? It is by no means asserted that evidence is in existence for setting these questions at rest, or for unraveling all the political conspiracies, or exposing the machinery which preceded the convulsions by which the order of succession of our monarchs was altered; but as a quarter of a million has been spent on the public records, it is contended that every document likely to elucidate history ought long since to have been examined, and placed in situations where they might be consulted with

facility, and without expense. At the same time that it is conceded that some historical doubts may not be capable of solution, many points can be fully illustrated by the public muniments ; and it may be stated with confidence, that whenever a History of England is founded upon an elaborate and careful investigation of the materials for the purpose that exist, discoveries will be made which cannot possibly be anticipated by those who are unaware of the elucidation that even a single document, nay, even a single passage,* sometimes affords.

If it be admitted that the history of England is susceptible of most important additions and illustrations, not merely on trivial, but on great constitutional questions, as well as in relation to the most glorious victories in her annals, and to the personal characters and policy of her sovereigns and other distinguished persons, the next points that will be established are :

That there are abundance of records which will afford this information ; that great part of them

* In a recent instance it was found that a *single passage*, in the wardrobe accounts of King Edward the Fourth, completely destroyed Horace Walpole's principal hypothesis in favour of his opinion of the identity of Perkin Warbeck with Richard Duke of York, brother of Edward the Fifth.

have never been seen by writers on history; that it is impossible they ever can be consulted by them, unless the government interfere; and that according to the existing regulations respecting the greater part of those materials, the *government virtually authorizes their being withheld from historians, and from being applied to any useful purpose whatever; preferring, in effect, that they should perish in the recesses of public buildings, than that they should be allowed to illustrate British history.*

The existence of documents of the utmost historical value is too well known to require to be insisted upon; and there is not a repository in the metropolis which does not teem with materials of that description. The contents of the Record Office in the Tower, and at the Rolls Chapel, though better ascertained than those of most other repositories, are scarcely more useful for literary purposes than if there were no such muniments extant, since the keepers, like all other keepers of records, demand large fees for access to them. In a few other offices the manuscripts are partially arranged, but in many they are lying in chaotic masses; and whilst in some instances the nature of part of the piles may be guessed, in others no man living has the slightest idea of their import. For

example, the records of the Exchequer were recently lying in bags in Westminster Hall, but have been removed to the King's Mews; and there is scarcely one of the thousands of documents thus left to decay but would afford greater or less historical information. Among these are the privy purse expenses for several years of King Henry the Seventh, which appear from some imperfect extracts to abound, like all other accounts of that description, in most useful notices connected with the events in the memorable period to which they refer. On seeking for the originals a few months ago, they were not to be found; and, together with many Lieger books, the ~~Decrees~~ of the Court of Augmentation, Surveys of Lands, and, it is presumed, the Roll which Henry the Fifth commanded to be made of the names of those who were at the battle of Agincourt, as well as a great variety of other documents of a most valuable historical, and antiquarian nature, were *supposed* to be placed in one of the bags alluded to.

In a Report on the contents of the Treasury of the Receipt of the Exchequer made in 1801, it was said, "*Besides the records above enumerated, there are a great many which appear to be decayed and illegible.*" "These records are in *no state of*

arrangement, but, on the contrary, *heaped together* in great *disorder*, and *covered with dust*." The report from the Clerk of the Pipe was, "The records are at present in the greatest disorder." The Deputy Comptroller of the Pipe stated that "the records in the Record Room at Somerset House *are much damaged*, and *in great confusion*." After enumerating a variety of extremely useful materials for history, from the reign of Henry the Eighth to that of Charles the First, the Auditors of the Land Revenue for England concluded their Report by saying, "The numberless accounts and other muniments of antiquity in the Auditors' custody are of so *many various descriptions*, that it has been hitherto found impracticable to devote the time required for their arrangement by catalogue, and the detail here given is introduced only as *a specimen* of what may be done." In *this state* do the greater part, if not all these records STILL REMAIN, and even in the Chapter-House of Westminster, of which the country pays the keeper and four clerks, a great proportion of the documents are also unindexed, and therefore useless.

It would extend these observations beyond their limits were more examples to be adduced of the lamentable condition of great part of the public

records. Not only are the most authentic sources of history unarranged, and unindexed, but not a single document in any of the various repositories can be consulted, unless access be granted to them as a personal favor, WITHOUT PAYING HEAVY FEES.

The first of these conditions is incompatible with that freedom of mind without which all literary inquiries must be imperfectly conducted. To attempt to investigate an abstruse question by the aid of documentary evidence, where one record often leads to the examination of many others, under the fear that the patience of the friend to whom you are indebted for admittance may be exhausted, or his duties or convenience interfered with; to be uncertain how much may be transcribed, and, in a word, to experience the painful restraint which the consciousness of being there by *sufferance* necessarily creates, prevents access to records, as a matter of favor being by any means sufficient for literary purposes. The information thus obtained is always imperfect, and from the causes adverted to it is sometimes erroneous, as hasty notes only can be taken when an entire copy, or at least a most attentive and critical perusal is desirable.*

* Upon this subject the following observations appeared in the "Westminster Review" for April, 1829:—

"A few words will be said on the free access which some

But admission on these terms may be, and has in many cases been, decidedly refused. It has often happened to persons seeking information for a purely literary object to pay from five to eighteen shillings merely for seeing a record for a few minutes, and to be charged for a transcript at a higher rate than is paid for an original article in one of the principal Reviews.

Record Offices profess to afford to literary men for literary purposes, because it is an answer which is given whenever the hardship of the system is mentioned; and, if true, would render improvement unnecessary, so far as the advancement of historical knowledge is concerned. If an individual is personally known to the keeper or one of the superior clerks in a Record Office, he is perhaps permitted to make a few searches, and to take notes occasionally; nor is it likely that a request, as a personal favor, even from a stranger for such a purpose, would be refused, if asked of the Record Keepers of the Tower or Chapter-House; but why should this access depend upon an act of courtesy? Why should a man who is engaged on a work requiring painful researches be obliged to incur a personal obligation, when the sources from which he seeks his information are the property of the public? In all works of an historical nature, the literary character of the country is, to some extent, interested in their authenticity: should not the materials, then, which can alone render them trustworthy, be placed at the disposal of those who will consult them, without obliging the authors to sue for favors, or ruin themselves with fees? Masses of papers are locked up which abound in information of great historical importance, but which their keepers will neither read themselves nor arrange; but which

For the historian of even a single transaction, much less of the general history of England, to pay for access to the records he may desire to consult, or for transcripts, is out of the question. The result then is, that such of the most valuable, because the most authentic, sources of history as are not printed in Rymer's "Fœdera," are as useless to historical writers as if they related to China or

they are suffered to conceal from the whole world, excepting the sacred hoard be approached with a golden key. Admitting, for the sake of argument, that gratuitous access is gained to one of those repositories, are the feelings with which the boon is received suited to literary research? In the first place, the person is conscious that he is there by sufferance; that he is consuming the time of the party by whom he was admitted; that every search occasions him some trouble, and, consequently, a sense of propriety obliges him to make his inquiries as few and as brief as possible. He is uncertain, too, how much he may copy, or how long he may stay. If the officer be called away, he is not allowed to remain alone, lest he should purloin the records, so that he must go out whilst the custos or his deputy is absent; his occupation is of course interrupted, and he knows not for what time. People may come in on business, and delicacy requires him to depart, and it may be days before he can be allowed to return. In his future visits, which are 'few and far between,' because he knows he must not trespass too far on the courtesy and condescension he has experienced, he labours under similar feelings, and experiences similar annoyances: so that he contents himself with the imperfect notes he has taken, and his work is proportionally inaccurate and defective. These are annoy-

Hindustan. That this may be attributed to the government is indisputable, because it sanctions those materials being concealed, excepting by a sacrifice either of feelings or of money, to which no author ought to be compelled to submit, and because the government does not order the public muniments to be properly arranged, indexed, and thrown open to all who desire to use them; sub-

ances which attend permission to consult records when conferred by individuals in consequence of a personal acquaintance: but let a person present himself before one of the subordinates of a record establishment with an order from the principal or the superior of that principal, and how is he received? His letter of license is scrutinized, as if it were a suspicious check on a banker; he is generally begged to call again, as they are then 'very busy;' and when he is at last attended to, the manner in which he is treated creates such disgust as effectually to prevent a recurrence of the application, and forms a striking contrast to the alacrity and attention shown to an attorney who comes with fees in his hand. If any literary man doubts the fidelity of this statement, we would ask the most favored visitor of Record Offices whether he does not pursue his searches there under very different feelings from those which he experiences in the British Museum? There he has only to ask for the manuscripts he requires. He uses them as copiously, and changes them as often as he would the books in his own library; he incurs no obligation in gaining admittance; he studies when and for as long a time as he pleases; his mind is undisturbed by fearing to encroach on the politeness of others; he meets with no obstacles; the attendants are courteous and obliging,

ject, however, to necessary restrictions to prevent their being vitiated or stolen.

It having been affirmed that there is an abundance of materials for English history which have not hitherto been used, and that they are not available to writers, in consequence of the state in which they are suffered to remain, and more especially from the regulations of the offices where

because they know that their places depends on their behaviour. Any thing more delightful in this respect than that establishment cannot be imagined ; and the important benefit which the public derive from it is irrefragable evidence in favor of rendering every other repository of information, and, above all, every *public* repository, as easy of access, as well arranged, as properly conducted, and as free from the disgrace of fees and perquisites. At the British Museum a whole volume may be copied by merely asking permission ; and one-third of it without leave,—the trustees properly encouraging the publication of its stores. But let a person ask to be allowed to copy a document in the Tower of some length even for a literary purpose, and without the possibility of profit, and he will quickly find that this is an extent to which ‘limits must be placed.’ He must not transcribe it himself, as it must be done by one of the gentlemen of the office, which means that the whole fees will be charged. At most other offices, also, even if the keepers be willing to give up their fees, some of the gentlemen under them have an interest in making transcripts, which must be protected, and thus the unhappy applicant is taxed and worried to an extent which entirely prohibits his researches, unless he has the purse of Cræsus, and patience which rivals that of Job.”

they are preserved, it may be asked whether the fact be creditable to this country; whether the chief cause of the imperfect knowledge of its history may not be attributed to the government; and, consequently, whether instead of affording that encouragement to historical investigations, which is usual in every other country, the government does not in fact prevent those extensive researches which the errors and obscurities in the national annals so much require?

CHAPTER II.

CLAIMS OF SCIENCE AND HISTORY ON THE GOVERNMENT
—INSTITUTIONS FOR THEIR ADVANCEMENT ABUSED.

IN relation to Science, the apathy of the government, the conduct of the Society instituted for its protection, and the unfitness of some of the official persons appointed for its advancement, have lately been ably discussed by Mr. Babbage in his important work on the "Decline of Science in England," which cannot fail to secure the object which that distinguished person has so warmly at heart.

Next to Science, History has the strongest claims for the encouragement of an enlightened administration; and as the Society founded for the promotion of Historical and Antiquarian Knowledge is even more remarkable for its imbecility and abuses than the Royal Society; and as a very large annual sum voted by the country for the arrangement and preservation of the public records has been expended in an injudicious and extravagant manner, an exposition of the present state of historical literature and of the institutions for its

advancement may be productive of beneficial results.

There is a material difference so far as relates to the interference of government between History and Science. It is most justly contended that part of the public money ought to be devoted to scientific objects; and, when their importance to a maritime empire like Great Britain is considered, it is little short of criminal not to assist its advancement, since the lives and fortunes of a large proportion of her subjects, and the increase of her resources are deeply involved in discoveries of that nature. But with regard to History, Parliament has for the last thirty years annually appropriated a larger sum to the preservation of the public records, than the claimants for pecuniary aid for scientific purposes can venture to hope for: hence the advocates of History stand on much more favorable ground than the advocates of Science. Their request is for a pecuniary assistance, and never was a grant asked for worthier purposes; but the advocates of History do not seek a shilling from the public purse beyond the amount which has been granted for the last thirty years. All which they ask, so far as relates to money, is that what is given should be appropriated with prudence and discrimination; that the works pub-

lished should be the most important that could be selected ; that the same documents should not be printed more than once ; that three persons should not receive salaries for editing a work which is little more than a reprint of one which is neither scarce nor expensive ; that a volume which might be produced for two, should not cost several thousand pounds ; that one individual should not be the custos of two record offices, be the secretary to the Record Commission, and the co-editor of five works at the same time ; that £7,000 per annum should not be entrusted to a commission formed exclusively of persons of high rank, whose other official duties consume all their time, and oblige them to delegate the management to a secretary ; and, in a word, that a Commission formed with the most laudable intentions, and endowed with funds fully sufficient for the promotion of Historical knowledge, should not be grossly mismanaged.

Previous to adducing proofs of the truth of these remarks, some other institutions for the advancement of History will be adverted to, because THE RECORD COMMISSION and RECORD OFFICES require to be separately discussed at some length.

As if one government commission were not sufficient for one purpose, when his late Majesty

was pleased to command the publication of some of the documents in the State Paper Office, a special commission was formed. Advantage was not however taken of the error of appointing none but official persons or persons of rank on the previous commission, by avoiding a similar mistake. The experience of thirty years was thrown away, and instead of choosing individuals known by their historical acquirements, for duties requiring the profoundest acquaintance with English history—that of selecting from masses of State Papers such as are most important—the new commission was remarkable for not containing a single historian among its members, but consisted solely of persons who were not only deficient in so necessary a qualification, but each of whom had at the moment of his appointment public duties of another description to fulfill.

The Commissioners were—

The Speaker of the House of Commons,

The Right Honourable Robert Peel,

The Right Honourable Watkins Wynn,

The Right Honourable John Wilson Croker,

The Right Honourable Henry Hobhouse.*

The deputy keeper of the State Paper Office was

* Mr. Hobhouse having retired from the office of Under Secretary of State, his time is, it is said, now given to his

the secretary, and his son the second or assistant secretary.

It is impossible to name any publication in which either of these commissioners or their secretaries has displayed that critical knowledge of English history which is indispensable for the task they have undertaken; and it might be assumed that the Secretary of State for the Home Department, the Speaker of the House of Commons, the President of the Board of Controul, the Secretary of the Admiralty, and one of the under Secretaries of State, must be too much occupied in their respective offices to select and superintend the publication of state papers of former ages; hence fears may rationally be entertained that the intended volumes will not be executed in the way in which the public have a right to expect, more especially if the documents are to be illustrated by notes. One merit must, however, be allowed to the commissioners, that any error they may commit will not be the effect of precipitation, for though upwards of three years have elapsed since the commission was issued, not a line has yet been published. Whether the new commission, which will probably be formed in consequence of the demise of

duties as Keeper of the State Paper Office, which renders his appointment on such a commission desirable and proper.

his late Majesty, will consist of privy councillors instead of historians is uncertain. But can it be doubted, that a work will not be so well edited by individuals who cannot bestow the requisite attention on, and who have not proved their fitness for the task, as by persons whose lives have been passed in historical pursuits, and who are practically acquainted with literary details?

The present age is certainly an age of discoveries, and it may be that knowledge is in the gift of the crown, and that in all branches it co-exists with the rank of peer and privy counsellor! If this doctrine be new to the world in general, it has long been a favourite one with the government; for, upon what other principle is the fact to be explained, that in every nomination of persons to superintend scientific or literary institutions, or institutions connected with the arts, any one under the rank of a "Right Honourable" or a Member of Parliament is seldom to be found? It is true that, among the trustees of the British Museum, there are three presidents of societies who are trustees *ex officio** who do not possess

* Mr. Babbage has made some just remarks on the president of the Royal Society, being *ex officio* a trustee which *mutatis mutandis* apply to each of the other presidents.—*Reflexions on the Decline of Science*, p. 147.

that rank, as well as three of the family trustees who are undignified by titles; yet among those trustees who are *elected* by the others, and who, it might be supposed, would be chosen in consequence of their reputation, there is NOT ONE PERSON who is distinguished for his attainments in science, in art, or in literature as manifested in his works; but they consist of one duke, three marquesses, five earls, four barons, and two members of parliament!*

* The trustees of the British Museum are, the Archbishop of Canterbury, the Lord Chancellor, the Speaker of the House of Commons, the Lord President of the Council, the First Lord of the Treasury, the Lord Privy Seal, the First Lord of the Admiralty, the Lord Steward, the Lord Chamberlain, the three Secretaries of State, the Bishop of London, the Chancellor of the Exchequer, the Lord Chief Justice of the King's Bench, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, the Attorney and Solicitor General, the President of the Royal Society, of the College of Physicians, of the Society of Antiquaries, and of the Royal Academy. These persons are *official* trustees. The Duke of Portland, the Earl of Elgin, Thomas Andrew Knight, Esq. George Booth Tyn-dall, Esq. Peregrine Edward Townley, Esq. Lord W. H. Bentinck, and the Hon. Agar Ellis are *family* trustees. The remaining trustees are the *elected* trustees, who are the Duke of Rutland, the Marquesses of Stafford, Camden, and Lansdowne, the Earls Spencer, Hardwicke, Harrowby, and Aberdeen, Lords Stowell, St. Helens, Grenville and Farnborough, Henry Banks, Esq., M. P. and Alexander Baring, Esq. M. P.

To be selected to govern the finest institution in Europe, in consequence of pre-eminence as a man of science, an artist, or an author would be a high honor, and an honor which ought, as in other countries, to be reserved for individuals of that description alone. In England, however, this distinction, like all other honors, is exclusively reserved for rank; and affords another to the many proofs which might be adduced, of the contemptuous neglect with which genius is treated by the British government. It has been said, that "to become a trustee of the Museum should be the blue ribbon of literature," but rewards of all kinds have with the most disgraceful illiberality been withheld from the votaries, or to speak more correctly in relation to the personal sacrifices which they produce,—the *victims* of science, literature, and art. The portrait painter, the novelist, and those who, as public lecturers please the multitude by the attractive parts of science, may live by their talents; but what are the rewards of the philosopher, the historian, and the historical painter? a limited, though certainly, a permanent fame in the esteem of the few who can appreciate their labours, but a life of comparative obscurity, and certain poverty.

CHAPTER III.

SOCIETY OF ANTIQUARIES OF LONDON.

THE principal institution for the advancement of Historical knowledge is the SOCIETY OF ANTIQUARIES OF LONDON.

That Society received its charter in the year 1751, for the advancement of the knowledge of History and Antiquities. It is governed by a president and council, the former being elected by the body at large, and the latter nominally by the Society, but in reality by the officers, and is conducted upon the same exclusive and illiberal system for which, though in a less flagrant manner, some other institutions are remarkable. During the seventy-nine years of its existence, a long series of volumes entitled "Archæologia," and "Vetusta Monumenta," containing the papers communicated, have been printed, but, with few exceptions, those papers are entirely destitute of merit. In two thirds of a century the Society has not advanced historical knowledge so much as some individuals,

the indefatigable Hearne for example ; and the miserable character of its publications has been ably commented upon by Mr. Hallam and Mr. D'Israeli, whose reputations secure respect to their criticisms. Another proof of the low estimation in which the "Archæologia" is held is, that of the living writers who are best qualified to enrich it neither Lingard, Hallam,* Walter Scott, Sharon Turner, D'Israeli, nor Lodge, nor either of the most eminent county historians, Surtees, Hunter, or Baker have contributed to its pages, and the volumes consist chiefly of lucubrations on broken stones, potsherds, tumuli, and runic inscriptions, or of interminable essays on armour, relieved now and then by a letter from the Museum, which the secretary, driven, to adopt his usual words, "by the dearth of other communications," is forced to hunt for at the last hour ; and the Society is therefore occasionally treated with a dissertation as a new discovery which was printed in a History of England, or

* Mr. Hallam condescends however to fill the situation of Vice-president. His colleagues are Hudson Gurney, Esq. M. P., the Right Hon. Charles Watkins Wynne, and W. R. Hamilton, Esq. Perhaps some friend of the three gentlemen last named will favor the public with a list of the *historical works* by which either of them has established his claim to hold so distinguished a situation in a Society for the advancement of Historical knowledge.

some other book, a hundred years ago.* Although it is certain that the Society of Antiquaries has hitherto done very little in aid of English history, the natural question is, what hopes are to be entertained that its future proceedings will be of a more important description?

Without a thorough change in the government of that body, an expectation of improvement is out of the question; and the only chance of an alteration consists in placing on the council persons able and willing to effect a reform, instead of the mere instruments of the officers' pleasure. At present, the council is chosen by those gentlemen, and is nominally approved by the president, the qualifications of the persons selected being rank, or a disposition to leave the existing order of things

* For example, the Junior Secretary, on a memorable occasion, treated the Society, as *a new discovery*, with the narrative of the attempt of Blood to steal the crown, which is printed *verbatim* in Stow's Survey of London, and the greater part of which was introduced by Echard into his History of England, and is specially referred to by Rapin! The Senior Secretary has for some time been so much absorbed in the contemplation of his own wonderful productions, and in invoking the shades of his ancestors to look down upon his literary fame, as to be no longer capable of adding to the interest of the "Archæologia." See the History of the Carlisle Family, p. 264, as quoted in the Westminster Review for April last, p. 321.

undisturbed. One peer, one bishop, and two or three baronets, or, if they cannot be obtained, a knight or two form the decorative part of the council, and as these persons rarely attend, the routine of business is conducted by the officers and their friends. All the officers are members of the council, so that when the aristocratic part is added to the nine officers, the number of members who are to be chosen for their *merits* is very small, and there is consequently little difficulty in fixing upon "tame elephants" enough for the purpose. The whole number of councillors is twenty-one; the president, four vice-presidents, treasurer, director, and two secretaries form nine, and the aristocratic or ornamental part, four or five, so that seven or eight are the most whose opposition can possibly be dreaded. These, however, generally consist of personal friends of the officers, and if they happen to possess any literary reputation, they certainly may be thought by their patrons as eligible as those who do not; but a recent nomination by, it is said, a kindred genius, appears to have been made with the view of outraging public opinion, since an individual has been retained for two years on the council whose fame is only rivalled by that of those celebrated persons who record their merits upon every wall in the vicinity of the metropolis.

As the statutes provide that certain things must be sanctioned by the council, that body meets three or four times a year, when it hears the will of the dictators, bows its head, and confirms their pleasure in respectful silence. Access to the accounts is rigidly confined to the council and auditors, who are nominated by the president, and the application of a member to inspect them was decidedly refused.* In this manner do eight hundred individuals, each of whom has been certified to be "intimately acquainted with British history," and who severally pay from two to four guineas annually, submit the affairs of the institution to a few persons, whose fitness for the task it would be a waste of time to investigate.

The precise amount of the revenue of this Society is, for the reason just stated, not known. It may however be estimated at above two thousand pounds per annum; and it is by far the richest literary society in England, if not in Europe; yet with these resources, and with eight hundred "learned" members, it is unable to produce a quarto volume in a year. Great part of its resources is expended in salaries to the secretaries and other

* The opinion of the Attorney General was taken on the subject, who considered that no member, excepting he were on the Council, could insist on seeing the accounts.

servants, in paying a portion of *the cost of an annual dinner at the Freemasons' Tavern*, in tea and coffee at its weekly meetings, and, until lately, in a sumptuous repast to the council and auditors. It is due to the president to state, that when he learnt that this dinner was paid for by the Society, he undertook to give it at his own house; and, as his official duties have lately prevented him from attending to the Society's affairs, the dinner has been given by one of the vice-presidents. This measure, by which about £20 per annum are saved, is one useful result which attended the late schism; but part of the expenses of the anniversary dinner is still paid for out of the revenues of the institution.

So discreditable a system it might be supposed could not long prevail in the nineteenth century; but the culpable indifference of the Society to its reputation forbids the hope of improvement, as the following circumstance will prove.

By a singular accident an individual was selected to fill a vacancy in the council towards the end of the year 1826, who was unaware that all which he was to do, when attending a meeting of his fellow counsellors, was to perform the part of an automaton. He was so ill calculated for the duties of his new office, as even to venture to ask that

some papers, which it was proposed to print, should first be read ; and on this being done, one or two of them proved so absurd that they were rejected. Encouraged by his success, the neophyte raised an objection to some other proposition of the managers, but they, dreading a similar result, suggested that the subject should be determined at the next meeting.* *At that meeting, however, care was taken that so indiscreet a person should not attend.* The anniversary was fortunately close at hand, and though upon *every former occasion*, when an individual had been elected to fill a vacancy which occurred during the preceding year, he was allowed to complete the whole twelvemonths, by placing him among those of the old council who are chosen for the new, yet in this instance the obnoxious member was displaced. So flagrant an

* At that Council the following circumstance occurred, which is indicative of the manner in which the Society's proceedings were conducted. Besides the said neophyte, a distinguished artist attended on that occasion for the first time. After witnessing with astonishment the way in which the affairs were regulated, he observed, to the equally surprised person alluded to, " Pray, Sir, is this the way things are managed here?" The reply was, " Sir, this is my first appearance here, and, judging from the manner in which my remarks are received, I fancy it will be the *last*." The event shewed that he was not mistaken.

act did not pass unresented. An effort was made on the next anniversary to nominate a council in opposition to the House List, and no one was selected who was not known to the public by his works. The result of the ballot proved, beyond the possibility of doubt, that it was useless to appeal to the good sense and proper feeling of the body at large. Notwithstanding a canvass by the officers, and the extraordinary zeal of their friends, only one hundred and twenty-five members attended, and of that number the immense majority of *one hundred and two* voted for the House List! A knowledge of this circumstance must excite a desire to learn of what class of persons the Society consists. No real qualification whatever is necessary, and the man who knows as much of history or antiquities as of the Chinese language is as sure of being elected as a Dugdale or a Camden, there being a few members who are so pleased with seeing their names suspended to the certificates, as to be ready to become sponsors for any one. Until lately, however, care was taken that the candidate should hold the rank of a gentleman, but the desire to increase the number, if not the reputation of the Society, has been so great, that it has been publicly said that amongst those recently elected, were a confectioner, an ex-patten

maker, and a petty country bookseller, without either of them having the slightest claims of a literary nature to be admitted. Some strong facts have been cited illustrative of the packing system used in forming the councils of the Royal Society,* but it has now been shown that equal if not greater abuses exist in the Society of Antiquaries, if indeed they be not common to other societies; and distrust is thereby created as to the utility of public institutions for the promotion of science, or literature.

In no society, however, are apathy and mismanagement more conspicuous than in the Society of Antiquaries; and its powers of action are so paralyzed by the ignorance or indifference of those who direct them, that it is in a state of lethargy, from which the powerful stimulants of shame and exposure on the one hand, and of royal encouragement on the other, are alike incapable of producing amendment.

During the schism to which the uncereemonious ejection of the member from the council gave rise, articles repeatedly appeared in the public prints, pointing out the discreditable system which prevailed; and some discussions took place at the weekly meetings on the subject.

* Reflexions on the Decline of Science in England,

In imitation of a practice which is common elsewhere, the dictators, when hard driven, endeavoured to quell opposition by undertaking themselves to amend the statutes, and to reform the principal abuses complained of. After a long delay, the new code made its appearance, and, as if those with whom it originated were only animated by the desire to place their incompetency to govern the institution beyond dispute, and to evince their contempt for the feelings of the age, not only were all the points complained of allowed to remain unaltered, but the charter was violated for the express purpose of abridging the powers of the body at large.* Though the illegality of this

* The following remarks on this proceeding, and on the Society generally, occurred in the Westminster Review soon after it took place.

“Sensible of the truth of the charges brought against the officers, of exceeding their powers in expending sums of money without the sanction of the Society, and of having suffered the statutes to be violated by the admission of members when neither the President nor one of his deputies was present, it became necessary either to obey the rules and regulations more strictly in future, by which the absolute control they then enjoyed would be at an end, or to alter the statutes so as to suit their purposes. The law as it stood was, that no sum of a greater amount than £50 could be spent without a vote of the Society, which, in fact, vested the management in the hands of the body at large, insured its being informed of whatever was about to be done, and rendered it requisite to

measure is manifest, since a corporation cannot make a bye-law in contradiction to its charter, it was submitted to the ordinary meeting, and received its almost unanimous sanction.

obtain its sanction before any work of much importance was commenced. That any public body should surrender so valuable and useful a privilege, is scarcely more credible than that its servants should have had the hardihood to ask them to do so. It may appear at first sight that we attach more importance than it deserves to the attendance of the President or the Vice-presidents at the meetings, as it may be said, it matters not who presides, if the business be properly conducted. This is not, however, strictly true. The Presidents and Vice-presidents of literary institutions in England, are, to the reproach of the respective Societies, more frequently chosen in consequence of their rank or wealth, than from their peculiar fitness for the situations, and it is a pretty certain criterion of their estimation of a Society, when out of *five* it is difficult to get even one to be present at a time. No Society can rise in public esteem if those placed at its head treat it with indifference or contempt; and instead of the officers, or, more properly speaking, the dictators of the Society of Antiquaries acquiescing in the conduct of the President and his deputies, by passing a statute to dispense with their attendance, they ought to have represented the case to those whom it concerned, and intimated, that if they did not perform their duties, others must be found who would. This, however, would have been an act of zeal and independence in the service of the Society perfectly new in its annals, and the present managers are not likely to create so useful a precedent. One of the statutes is to the following purpose: ‘ As persons of high rank and dignity become an honour and

From an institution so managed it would be idle to look for any useful result; but, as if nothing might be wanting to stamp it with a character peculiarly its own, it positively fears to

an advantage to any Society, any peer of Great Britain or Ireland, or the eldest sons of such peers, or any of his Majesty's privy council, or judges of either kingdom, may be propounded by a single member, and put to the ballot for election the same day; and another, 'that all letters to peers shall be carried by the porter,' regulations, which are peculiar to the Scientific and Literary Institutions of this country, and the object of scorn to those of others. Let this homage to rank be compared with the conduct of the Institute of France, the forced admission into which of the first peer of that realm produced him such derision, that he died of chagrin; but when literature and science thus voluntarily lick the dust from the feet of greatness, can they wonder that they are treated with the neglect and contempt they court? The privilege of belonging to such institutions, in consequence of great literary or scientific merit, is one species of distinction; hereditary or personal honours are another; and when the possessors of the latter look down and scarcely condescend to associate, certainly never on a perfect equality, with the former; when only two instances exist of these hereditary, and very few indeed of the personal honours being conferred for science or literature, does it become them to share what ought to be their peculiar privilege with men who have no other claim than their titles, much less to admit them with an alacrity which is not evinced towards a Newton, a Davy, a Byron, or a Scott?

"It was necessary to advert thus briefly to these parts of the statutes of the Society of Antiquaries to be able to un-

appropriate the medals which his late Majesty placed at the disposal of its council, lest a spirit of emulation should be excited destructive in its consequences to the repose of the "learned body."

derstand and appreciate the alterations which the council has lately proposed, and the Society quiescently adopted.

"Not long before the last session terminated, a circular was sent to each member, entitled, "Proposed Alterations in the Statutes," but carefully withholding any information as to the time when they were to be discussed. Each statute was cited, and such as were to remain unchanged were so marked; hence the whole code has been revised, and we may therefore receive the amended one as the deliberate sentiments of the council of the Society of Antiquaries in the year of our Lord 1829, consisting of twenty-one sane and, doubtless, learned men, as to what are the wisest and best regulations for such an institution. In the first place it seemed proper in their eyes to retain the statutes in their present form, having at least twenty additional ones made at different times, contradicting, or explaining, or altering previous ones, instead of condensing the whole into about six pages.

"Secondly, they have, tacitly at least, evinced their opinion that the nonsense and bad grammar for which the statutes are conspicuous, are perfectly correct and intelligible English, since they remain as they were.

"To proceed *seriatim*, according to the paper in question:—

"Chap. I. and II. unaltered.

"Chap. III.—Of the Payments by the fellows of the Society. The only alteration in which is, that a list of all persons whose subscriptions are in arrear two years, shall, at the discretion of the council, be suspended in the meeting-room.

In consequence of the representation of one of the *reforming* members to the president, that it was the only chartered literary society in London to which royal medals were not given, his Lordship

“ Chap. IV.—Of the ordinary Meetings of the Society. By this chapter the meetings were to take place at seven on every Thursday evening, and continue until nine, *i. e.* two hours, to be presided over by the President, or one of his deputies, or the senior fellow then present. Now, as the meetings never commence until eight, and always close at the expiration of twenty minutes; as the President or his deputies seldom attend; as the Treasurer is particularly fond of wearing the insignia of office; and as there are many older fellows than himself, it was requisite that this chapter should be altered. It is therefore provided, that the ordinary meetings shall commence at eight o'clock; that in the absence of the President or Vice-presidents, the Treasurer or Director shall take the chair; and not a word occurs as to when he shall rise, thus sanctioning the absurdity of assembling for so short a time.

“ Chap. V.—The method of voting is unaltered; and we have now come to the chapter containing the discreditable statute relative to the admission of peers and persons of high rank, on which we have commented. This was the touchstone of the sense and feeling of the Society's legislators, and they have treated it in a manner as peculiarly felicitous as it was worthy of them to do; for they have repealed the preamble, but retained the privilege, thus publicly confessing that they are not ashamed to do what they are ashamed of assigning a reason for doing. If peers, &c., are not to be so admitted on account of their rank, in the name of Confucius, why are they to be so distinguished? In 1752 it was thought that ‘they were an honour and an advantage to any society,’

made the necessary application, and it was announced soon afterwards that the King had been pleased to order that two gold medals should be annually given to the council, and to be presented

and if this were true, it was right to catch them as they could, no matter with what the trap was baited ; but if in 1829 they are no longer ' an honour and an advantage ' to the Society of Antiquaries, whatever they may be to the Royal or any other society, why reserve the privilege, and insult them by forbearing to state the grounds on which it was conceded ? Had this statute been passed over in silence on the revision of the statutes in the nineteenth century, the meanness and the folly would have been sufficiently remarkable ; but by thus altering it, the council has evinced that they had just sense enough to know what was wrong, but were too destitute of spirit to do what was right by wiping away this stain on the institution. It remains, then, in its altered form, a memorial of the minds of its original creators, and of the lamentable want of judgment and propriety of those who have now identified themselves with it. The other alterations have for their exclusive object to increase the powers of the treasurer, director, and council, by giving to the two former the same authority as the president and vice-presidents, and vesting in the latter such rights as render them almost wholly independent of the body at large, and the ability to do whatever they please, without asking for its sanction. Instead of abolishing the penalty of expulsion for criticising the proceedings of the Society, a provision which has been often justly ridiculed, additional force is given to it by a new statute regulating the form and proceeding in cases of that nature ; thus evincing a determination to enforce the penalty against all who dare to doubt that the Society is the

by it to such persons as it might think proper. By every other society this mark of royal favour was gratefully received ; but the Society of Antiquaries of London, either dreading the effect of so novel a

model of perfection. With respect to the expenditure, the council are empowered to spend whatever they please, excepting 'in the case of any expenditure of an extraordinary nature exceeding the sum of £100,' when the proposition 'is to be first submitted to the Society at one of their weekly meetings:' but this is in fact quite nugatory, for as it only publishes the *Archæologia* and *Vetusta Monumenta*, and as these appear at certain intervals, nothing relating to them is an 'extraordinary' expenditure, and hence, if two hundred pounds may be spent on a plate which ought not to cost ten, the body at large are precluded from preventing, or even knowing it, it not being, as all who are initiated into the mysteries are too well aware, any thing 'extraordinary,' whilst as the statutes stand, no one excepting the council has a right to see the accounts. In effect, then, as the council are the passive instruments of their creators, the secretaries; as the officers allow these gentlemen to play the game as they please; and as they are all independent of the general body, every thing is managed as snugly as the paid servants of the institution can possibly desire. On the night when these alterations were submitted to the ballot, only twenty-three members attended, of which number twenty-one voted for, and two against, them, so that the propositions were adopted by the Society without effectual opposition; and the result of the strenuous efforts of those who wished to render the institution of use, to rouse its members to a sense of their own rights, to put an end to the system which has so long consumed its resources, and to wrest the management of its affairs

measure, or sensible that very few papers in its transactions would bear the examination to which they would be subjected if brought before the public by the authors being adjudged royal medals, have treated the donation as if it had never been made ; and though three years have since elapsed, not one of the medals has ever been adjudged.

One of the statutes of the Society of Antiquaries, as well as of the Royal Society, seems to have been

from the feeble hands which have so miserably conducted them, has ended in what?—in confirming the council in their power, and permitting them to make laws to give them increased authority, and to render it in their power to set the whole Society at defiance ! It has been proved, beyond dispute, that these persons have brought the institution to the lowest possible ebb ; that without consideration for the pretensions of the fellows, they have selected most improper individuals for the council ; that they have wasted the funds by publishing the most unworthy trash and the vilest plates ; that they have shewn themselves ignorant of its constitution by violating the charter and statutes ; that they have opposed, not fairly and openly, but by secret and unworthy means, the attempt to renovate the Society ; and that when forced to make some alterations in the statutes, they have proved themselves far behind-hand with the age in which they live, by retaining all which disgraced, and proposing nothing which improves, the Institution. The members have thus permitted themselves to be deprived of the control which they hitherto enjoyed, though they seldom thought proper to exercise it, and have gained nothing from the struggle with their masters but shame, and—tea, coffee, and buttered toast !”

framed with no other object than to prevent improvement. It is provided, that if any member by speaking, writing, or printing, shall publicly defame the Society, he shall be liable to be expelled; and as it is impossible to point out abuses, or to expose mismanagement and folly, without "defaming" the institution in which they prevail, any strictures on the Society render their author liable to expulsion under this bye-law. If it be said that such an idea is inconsistent with the spirit of the present age, and that a statute to this purport could not now find a place in the laws of any scientific or literary body, it must be answered that, notwithstanding the recent alterations of the statutes, not only does this sagacious provision still disgrace the Society of Antiquaries, but it was slightly altered to give it increased effect. Moreover, during the "agitation" in that body, the person with whom it originated was more than once threatened that it would be carried into effect against him. Nor has Mr. Babbage escaped a similar denunciation, on the part of some Ultras of the Royal Society, in reward of his highly praiseworthy efforts in its service.

These proceedings in the Society of Antiquaries took place about two years since, and it now proceeds in Bæotian tranquillity, effecting nothing,

and attended by benefit only to the secretaries, who enjoy comfortable sinecures, the one for doing the very little that is done, and the other for assisting him,

“*Gratis anhelans, multa agendo nil agens.*”

So long a detail with respect to this Society was necessary for these reasons: First, that the existence of such an institution is, *prima facie*, an excuse for the government not making any new effort in favor of historical literature: Secondly, that by proving that the Society has done nothing, and that from the elements of which it is composed it is not likely ever to do any thing of importance to advance the knowledge of British history, an inference is not to be drawn against throwing the public muniments open, on the grounds that no application for the purpose has been made by that body:* Thirdly, that it is de-

* Since these observations were written, an able article has appeared in the Quarterly Review, for October last, on the State of Science in England, and on the encouragement afforded in other countries to scientific and literary men, and the neglect which they experience from the British government, which corroborate the views expressed in this work, and which will consequently be often cited—“There is,” it is justly said, “one censure which all public institutions have deeply incurred—They have not employed their influence with the government, either in staying its destroying arm, in calling into action its powers of doing good, or in demanding its

sirable the government should be exonerated from the charge of not entrusting the publication of historical and antiquarian documents to the Society of Antiquaries, by shewing the improbability, that that society was competent to the task.

The contemptuous silence with which the government has always treated that institution seems therefore perfectly justifiable, and as if to render the neglect the more marked, whenever a scientific object was contemplated, the council of the Royal Society has been uniformly consulted. Under the circumstances which have been stated, it appears that in considering the state of historical literature in England the Society of Antiquaries of London must be treated as if it did not exist; and it may too truly be said that

“ Still humming on, their drowsy course they keep,
And lash'd so long, like tops, are lash'd to sleep.”

Very few words will be sufficient in which to notice the other institutions in the kingdom for a similar purpose. They are not numerous, and

bounty for those distinguished men who were especially placed under its patronage.” As there are generally one or more Keepers of Records, or candidates for that situation on the council of the Society of Antiquaries, a request to open the records to the public is not very likely to emanate from that body, even supposing it was possessed of either energy or judgment.

as their publications, which are very limited in extent, are devoted to local objects, they afford little illustration to general history. The Society of Antiquaries of Edinburgh, though extremely zealous, possesses very limited funds, and consequently has not printed much. Of more private associations, only the Bannatyne club of Edinburgh merits attention. To that club every praise is due, for although its publications are chiefly confined to Scottish History, they are numerous and valuable; and when its limited resources and the few years since which it was instituted are considered, its labours form a contrast to the publications of the Society of Antiquaries of London in the same period, which shews how much zeal and ability can effect, and how easily large sums may be wasted by supineness and mismanagement.

CHAPTER IV.

RECORD OFFICES—CONDITION AND REGULATIONS.

As the hope of advancing Historical knowledge in a great degree depends upon allowing the muniments of the country to be consulted without expense, and upon arranging and indexing the contents of the various repositories; and as those measures would greatly promote the ends of justice, by facilitating and lessening the charges for searches for legal purposes, it is desirable that the regulations of the principal offices of public record should be brought to the notice of his Majesty's government, and of the public in general.

The most important repositories of documents known by the name of Record Offices, are the TOWER, the ROLLS CHAPEL, the CHAPTER HOUSE, Westminster, the LORD TREASURER'S REMEMBRANCER'S OFFICE, the PIPE OFFICE, the TREASURIES of the KING'S BENCH, and COMMON PLEAS,

the KING'S REMEMBRANCER'S OFFICE, the AUGMENTATION OFFICE, and the OFFICE of the DUCHY OF LANCASTER, each of which contains documents of the most valuable nature both for historical and legal purposes. Their contents, are, generally speaking, unindexed, but for access to and copies of them very heavy fees are demanded, so that these muniments in their present state are of slight utility.*

The following observations will be sufficient to shew how necessary it is that a change should

* The subjoined facts shew how the fee system acts upon literature. A county historian obtained permission from the proper persons to consult the Pipe Rolls, the value of which for historical purposes is well known, without paying the usual fees, his object being a literary one. After some difficulty, he learnt that those records were preserved in a vault under Somerset House : to this he repaired, and found a person in attendance, to whom he communicated his wishes and his license. In this dreary place he passed the whole of one morning, opened various rolls, and made such extracts as were necessary, but not choosing to avail himself to the whole extent of the permission he had received to copy gratuitously (as he supposed), he presented the attendant with a sovereign, but his astonishment may be conceived on being told that he had eight pounds to pay. For the next day's work he, however, compromised in three pounds, so that for being suffered to examine *public* records, to render his work as accurate as it ought to be, he had to pay eleven pounds, though he was assured the office was to be thrown open to him.

be made in the regulations of the principal repositories if their contents are to be available for literary purposes.

1. RECORD OFFICE IN THE TOWER.

This office, which contains the most important and extensive collection of the national muniments, forms part of the Court of Chancery, but the keeper and clerks are paid by the crown, so that no possible objection can be started to allowing its contents to be gratuitously consulted, and any extracts made on the ground that the remuneration of the custos and his clerks are derived from fees, since it will be manifest that their salaries are quite as much as they ought to be without an increase from any source whatever. The following statement is taken from the "First Report of the Commissioners for examining into the Duties, Salaries, and Emoluments, of the Officers, Clerks, and Ministers of the several Courts of Justice," which was ordered to be printed in May, 1818.

"KEEPER OF THE RECORDS IN THE TOWER.

"The duty of this officer is carefully to preserve the rolls and records in the Tower of London; to attend at the Record Office, by himself or his deputy; to produce rolls and records to persons

who apply for them, and to make copies of the same; to attend both Houses of Parliament, and the Courts of Judicature, with such records when required, and to arrange and *make indexes* to the records.

“As keeper of such rolls and records he has, for more than a century past, *received a salary of five hundred pounds a year*, payable out of the Treasury.

“This officer is, and has been ever since the year 1704, supervisor of the business of sorting and digesting the rolls and records, for which purpose certain allowances, by way of salary, have been made at different times under treasury warrants to clerks attending the Record Office. The number of these clerks, and the amount of the salaries allowed to them have varied. Ever since the 5th of July, 1809, there have been four clerks, with the following salaries fixed, with the approbation of his Majesty’s commissioners on the public records; first clerk, £250 a year; second, £200; third, £150; fourth, £100.

“The Lords Commissioners of the Treasury have also authorised the employment of two supernumerary clerks, at £120 per annum each.*

* The two supernumerary clerks have been recently dismissed.

“No fees appear to be due to the Deputy or Clerks.

	£.	s.	d.
Every search, the time being known	0	10	0
Taking down each record, and the inspection or reading the same, which is deducted if a copy of such record be ordered	0	6	8
Every sheet copied	0	1	0
The master or deputy's hand to each copy ..	0	2	0
Every record carried out of the office to either House of Parliament, or to any of the Courts of Judicature	1	0	0
Examining and signing each copy of a record	0	2	0
Re-examining a copy of a record made in the office, besides the fee for the search for each brief sheet	0	1	0
Re-examination of any copy of Chancery proceedings made in the office, each Chan- cery folio	0	0	1

“By the time being known, the reign being known, is in practice, understood to be meant. This fee is, at the present time, and probably has ever been since the year 1774, frequently compounded for in the following manner. When the time is not known within the compass of any particular reign, so that numerous searches may be expected to be necessary, *the sum of five guineas* has been taken for a general search through the office. Where the search has been general, from the beginning of the reign of

Elizabeth to the end of that of Anne, for a bill and answer *the sum of three guineas* has been taken as such composition. These compositions for fees appear to be in many instances *mitigations of the charge*, which the officer *might* take under the order of 1743. It is probable that the search mentioned in that order had a primary, if not exclusive, application to Chancery proceeding, such being the only ones arranged by terms. But by fair analogy to the order, four terms would mean a year, as applied to records not classed by terms, the officer now searches a whole reign for ten shillings ; whereas, *by the apparent analogy of the order, he might take ten shillings for each year searched in that reign, without any composition*, and if parties were not desirous of compounding where the reign was unknown, searches for proceedings, not classed by terms, might extend through a series of reigns at ten shillings per year in each of those reigns, and as applied to the Chancery proceedings, the searches might extend through so many terms, that, at the rate of ten shillings for each four, the fees would *greatly exceed* what is taken under the present composition.

“ The hours of attendance at the Record Office in the Tower are from ten in the morning till three in the afternoon, excepting holidays.

“ The holidays are the King’s and Queen’s birthdays, the King’s coronation and accession, the 30th of January, the 25th of March, Good Friday, three days at Easter, three days at Whitsuntide, the 29th of May, the 24th of June, the 29th of September, and three days at Christmas.”

All these salaries and fees were recommended to be allowed by the commissioners without any deduction, and continue to be taken at the present hour. Thus, no individual can inspect a document which is confessedly the property of the public, and for the conservation of which the public is taxed, without paying the sum of *sixteen shillings and eight-pence*, of which sum ten shillings is for making the search, as it is termed, and six shillings and eightpence for one of the clerks rising from his chair, walking a few yards, and opening a roll. The roll, let it be supposed, is produced, and the ten shillings for the search paid; the applicant then finds that he must not make any extracts, and is, therefore, obliged to order a transcript, to which he is the more encouraged, because he learns that his six shillings and eightpence, for the clerk’s corporeal exertions of “taking down the roll” will be deducted from the amount. The expense of the copy is one shilling per folio, *i. e.* for every seventy-two words, with two shillings more for examining and signing the transcript.

To illustrate the effect of this system upon the public, let it be imagined that a person requires a copy of a record, which would fill four printed pages, each containing forty-five lines of, on the average, twelve words, or five hundred and forty words per page, which, multiplied by four, will give two thousand one hundred and sixty words, the charge of which would be

	£	s.	d.	
Search	0	10	0	
Thirty folios	1	10	0	
Examining and signing.....	0	2	0	
Stamp	about	0	4	0
<hr/>				
Total for a copy of 2,160 words	£2	6	0	

Now supposing that ten guineas per sheet are paid for an article in any work, the writer would receive for four pages, about £2. 12s.; so that the expense of a mere transcript of a *public record*, from a *public office*, the keeper of which receives £500. per annum *from the public*, and the six clerks, whose duty it is to copy those records, are paid salaries of from £250. to £100. per annum each, amounts altogether to very nearly as much as is paid for an *original article* in a popular publication.

But this is not all. Suppose that, after the copy has been obtained, it may be necessary that

the transcripts should be re-examined,* that is, simply read over with the original; in that case, the fee of the search is *again* charged, and precisely the *same sum* is demanded, as was paid for the transcript; so that one shilling is paid, not for writing, but for *reading* seventy-two words, which perhaps the same person had before copied and read.

The calendars to some records in the Tower have been printed at the public expense, which, if they be of any use, must be presumed to be as references to the records themselves. An applicant accordingly proceeds to the Tower with the reference to the year, roll, and membrane or number, of the document he wishes to consult. This avails him nothing: the clerk will take down the same printed book from which he made his reference, make, or pretend to make, the identical reference, and charge him ten shillings for the "search." If, however, a person wish to know whether a particular record exists, he must submit to the expense of a "general search," which amounts to *eight guineas*, namely, three guineas for consulting the "*private index*"

* If, however, the re-examination takes place *within one year* from the time when the copy was obtained, the fees for such re-examination are not charged; and if, even at a greater distance of time, it can be shown that the copy has not been produced in evidence, the fees for re-examination are sometimes, *but as a matter of favour*, also remitted.

to the Chancery proceedings, and five guineas for the other records, which search, if the office were open to the public, and the indexes were what *they ought to be*, any man with a common intellect might make in about an hour.*

It seems, however, from the words of the “return,” which have been printed in italics, that a merit is made for not charging higher fees, and that the keeper deems himself entitled to do so. Although one pound is perhaps not too much for producing a single record in either house of parliament or court of justice ; yet when, as very frequently happens, the officer brings ten or more at the same time, to charge one pound for each is enormous.† The hours of attendance ought to be extended until four or five o’clock, instead of the office closing at three ; and when there is no other business, the clerks should be employed in arranging the records

* Supposing for a moment that heavy fees were justifiable before, surely they ought to be abolished when the country has paid upwards of £2,000. per volume for *printing Indexes*.

† In the recent trial at bar relative to the Cornish Mines, a clerk attended on the behalf of the Crown, to prove the non-existence of a particular record. The charge made for three days attendance was NINE GUINEAS. In that case it must be remembered, that the real plaintiff was the *Crown* (as Duke of Cornwall), but large fees were received at the Tower, Rolls Chapel, Lord Treasurer’s Remembrancer’s Office, and elsewhere ; the keepers and clerks of some of which repositories *receive ample salaries from Government*.

and making complete indexes, &c. The number of holidays, which amount altogether to nineteen days in the year, besides the allowance of one month to each clerk, if he pleases, during the long vacation, ought to be lessened.

Thus it appears, that the total sum, which this office costs the country in salaries, is £1,440; and yet not a line of any record can the public see, without an impost of sixteen shillings and eightpence, or a word be copied without a tax, which almost amounts to a prohibition, and that if a search of a conclusive nature be made, the expense amounts to *eight guineas*; but for which sum, great as it is, not a single extract is given to the applicant.

The impediments which these enormous charges present to the administration of justice in cases in which records are required, must be obvious, and the expense sometimes deters a claimant to property or honors from prosecuting his right. Of the manner in which it affects Historical literature a memorable example may be stated.

An association was lately attempted to be formed for the purpose of printing documents illustrative of History. The trial between Lord Scrope of Bolton, and Sir Robert Grosvenor, in the reign of Richard the Second, in a contest for armorial ensigns, was selected for the purpose. Application being made to the Tower for a transcript, it was

ascertained, that notwithstanding the motive was simply to give to the world a document of a very interesting nature, with the view of illustrating the period to which it relates; that, from its peculiar character, it was impossible it could ever be required for a legal object, and hence was in fact of no use whatever, excepting for the purpose to which it was wished to apply it; and that so far from any individual gaining by its publication, it was to be edited gratuitously, the applicants were informed that the *full fees* must be paid, that is, one shilling for every folio containing *seventy-two words*. Such being the resolution of the Keeper, the committee who undertook to manage the publication of the Roll had no choice, and a copy was accordingly ordered; so that [for the mere copy of a document which was public property, and which exists in an office, the keeper and clerks of which receive £1440 *per annum*, from the public purse, the sum of *one hundred and eleven pounds* has been paid, and as it only forms 351 octavo pages, the price per sheet is more than *five pounds*, being a higher remuneration than historians usually receive for an original work.

The idea of prosecuting historical researches or claims to property whilst the keepers of the repositories of the most authentic materials are allowed to make their contents a source of large emolument

is absurd; and injustice would be done to his Majesty's present ministers to suppose that a system which offers such impediments to justice and which is so detrimental to historical knowledge can be allowed to be continued after its effects are thus brought to their notice.

As the public suffer severely from this system, it will probably hear with astonishment that some of the clerks in the record office in the Tower, for whose labours they pay so heavily, and who receive salaries of from £100 to £250 per annum each, derive a considerable income *from other sources*. The chief clerk besides conducting the whole business of the Office and receiving a percentage upon the fees paid to his principal, who has a salary of five hundred pounds per annum, has received no less than *eight thousand six hundred pounds* within eleven, and the much greater part within eight years, from the Record Commission, for contributing to the publication of works under its authority, which his situation in the office enables him to do. He is moreover one of the chief agents in London for conducting private business connected with records. The latter practice is common with the greater part of the clerks in record offices, and if any proof were necessary that their time is not devoted to their official duties, and consequently, that the whole system is pregnant with abuses, these facts furnish

them, and explain why the documents remain unsorted and unindexed.

II. THE ROLLS CHAPEL.

At the Rolls Chapel, the fees are as heavy as at the Tower; but the keeper does not receive any salary or emolument beyond what is derived from them, and pays his clerk himself; which, until a better system prevail, is undoubtedly an excuse for the charges made. The effect on the public is nevertheless the same, and the principle itself is a bad one, as it places the muniments of the kingdom in the hands of persons, who for attending in case they are wanted, are at liberty to make as much as possible from the use of them. At present, the price for searching the calendar for *every year* is *one shilling*; for taking down every roll, *two shillings and sixpence*; for taking out a record from any bundle for inspection, *six shillings and eightpence*: for every ninety words copied, one shilling and threepence: for the exemplification of every sixteen sheets, that is, for an exemplification of every 1440 words, *one pound six shillings and eightpence*. For what is termed "every cancellation," ten shillings; for re-examination threepence per sheet, which is moderate compared with the Tower, where a re-examination is charged the same price as a new transcript. A correct idea of

the whole expense of a search at the Rolls Chapel will be shewn by the following passage, which occurs in the return before cited:—"Parties desirous of making searches, being frequently unprovided with the necessary heads for references, by means of the indexes or calendars attached to the office, and it being thus uncertain to what number of years the search might extend, without the use of such a *private index* or calendar as is herein-after mentioned; the fee has in such cases frequently been compounded for, at the desire of the party making such search, and the sum of *five guineas* and *no more* has been taken by the *present* officer,* though a larger sum seems to have been taken on the same occasion by his predecessor."

Of this private index the keeper gives the following information:—

"A private index or collection of references to records alphabetically arranged, was originally purchased by his predecessor, Mr. Rooke, and has since been bought by himself from Mr. Rooke's representatives. He states himself to have added various *useful references*, distinct from the annual calendars or indexes, which he considers it to be the duty of his office to make. He considers it of great importance to the public, that this collection should be attached to the office, and states himself

* J. Kipling, Esq. who died lately.

willing so to attach it, upon grant of a suitable salary to the office."

It must be borne in mind that the office calendars in the Rolls Chapel contain only the names of the grantees, and not the names of places, and that they do not notice the things granted. If, therefore, a person wish to find the grant of a manor, and does not know the name of the grantee, as most frequently happens, he is compelled to search the *private* indexes. The effect is shewn by the following instance which actually occurred. A grant of which the date was uncertain was sought for during a period of sixty-four years. For consulting the office index one shilling per year is charged, which amounted on this occasion to £3. 4s.; the document not being found, it was necessary to search the *private* index, for which a fee of £5. 5s. was paid, but without success; when, as a last effort, recourse was had to the *private* index of the Dean and Chapter lands, for which £2. 2s. more were demanded. Thus the whole cost of a search to ascertain the existence of *a single document in one office only was ten pounds eleven shillings.*

Though in the instance of the Rolls Chapel, the system seems to be more in fault than individuals, it is worthy of remark, that the charge of five guineas for the use of this private index is con-

sidered very *moderate*; and that it is in its owner's power either to fix a larger price for its use, or to withhold it altogether. But there is another private index at the Rolls Chapel, of which not a word occurs in the return, namely, a private index to the sale of the Dean and Chapter lands during the Commonwealth, the fee for opening which is *two guineas*, thus making altogether *seven guineas* for a general search. It would certainly startle a person unaware of the practice of record offices, to learn that the preliminary step to seeing perhaps ten words of a document which is notoriously *public property*, is the trifling cost of *five or seven guineas*; that even when he has submitted to this demand, he may be told, that no such record is there, or if it be found, that he is not allowed to make a solitary memorandum from its contents, much less copy it; but that if he require a transcript, he must pay one shilling and three-pence for every ninety words, besides the fee for attestation and the stamps! Let it be supposed by way of illustration, that a person wishes a copy of a record which was found in consequence of a "general search" having been made, that he is obliged to have a copy of it, and that the copy would, if printed, fill four pages of about 540 words in each page; his bill would be nearly as follows:—

	£.	s.	d.
General search	7	7	0
Copy of 2160 words, at 1s. 3d. for every ninety	1	10	0
Exemplification	1	6	8
	<hr/>		
Total	£10	3	8
	<hr/>		

This does not, however, include the stamp, or the fee of 2s. 6d. for “taking down the roll,” or the 6s. 8d. for “taking out the record from any bundle for inspection.”

Another abuse which prevails at the Rolls Chapel, as well as at the Tower and elsewhere, is, that a person cannot have a copy of so much of a record only as he may require, but that he is obliged to pay a heavy price for matter which is of no use to him. It not unfrequently happens, that numerous manors, lands, and advowsons were granted by one instrument, and though a transcript of the grant of only one of the manors mentioned in the record be wanted, an entire copy of the *whole* instrument is forced upon the applicant; so that for the *few lines* which relate to his purpose, he is obliged to pay *eight or ten pounds*. The way in which this regulation operates may be easily imagined: if the applicant's purse can bear the imposition, he submits; but, in the case of a poor man, it is a bar to the prosecution of his object. In the case of *Inquisitiones post mortem*, all which is generally

wanted, is the date, and the name, relationship and age, of the heir of the deceased, which would not exceed four lines; but this cannot be obtained, unless a transcript of the *whole inquisition*, and of *the writ* to the escheator commanding him to take the inquest be likewise transcribed. Not many months since a gentleman wished to have a copy of a few lines from a record, but was informed that this could not be permitted, and that he must take a transcript of the entire instrument. On asking the expense, he was gravely told, "about *one hundred and forty pounds, Sir.*" It is proper to observe, that at the Rolls Chapel, as a matter of *favor*, they sometimes make what they term "parcel copies;" that is, they will copy so much of a record as may be wanted for *five guineas*, provided, however, that the transcript of the whole instrument would amount to from *eighteen to twenty pounds* or upwards; but if the copy would come to less than that sum, the applicant is compelled to order a perfect transcript, no matter how little of it may be necessary. The hours of attendance in the Tower, where the keeper and clerks are paid by the crown, besides fees being taken for each inspection, and every copy of a record, are only from ten to three, but the hours of attendance at the Rolls Chapel are from ten to three in the morning and from five to eight in the evening.

A single example of the effect of these fees upon claims to rights which require to be established by records is sufficient. In a recent instance, the claimant to a dignity paid no less than £25 for the copy of a *single* document, the property of the original being public, and the government deriving no advantage whatever from the payment. The complaint "of a foreigner" in the Times newspaper a few weeks since of the expense to which he was put in prosecuting an inquiry at the Rolls Chapel, connected with Cabot's voyage of discovery, in consequence of the state of the indexes in that office, shews among a hundred other instances which could be adduced, how detrimental the regulations are to literature.

III. THE CHAPTER HOUSE, WESTMINSTER.

It has been before stated, that the contents of this office are of a miscellaneous nature, and that though part of the muniments are arranged and partially indexed, a large proportion are not sorted or indexed. This fact must appear not a little extraordinary when the immense sum which has been expended on the public records is considered; but the surprise will probably be increased when it is known that the country pays the keeper a salary of £400 a year, and that, besides being allowed £420 per annum for four clerks, and £90

for incidental expenses, making a total of £910, he charges one shilling per folio, i. e. for every seventy-two words which are copied, and that each search costs 8s. 4d. That these fees and salaries are very nearly sinecures is apparent from the limited time which the office is open, and which is in itself sufficient to explain the state in which so much of its contents remain. Though nominally open from ten until one, *three hours a day only*, attendance is rarely given until nearly half past ten, and by one o'clock silence reigns in the place, so that in fact, the hours of business scarcely exceed two and a half, and moreover, every red-letter day is a complete holiday, besides vacations at the usual periods. With such trifling claims upon their time, the keeper and his clerks have ample leisure for other occupations, and the former unites in his own person various appointments, all of which will be enumerated in the notice of the Record Commission; and of two of the four clerks, *if that number be actually on the establishment*, one, if not two, like the chief clerk in the Tower, is a *law agent* in extensive practice, and a second *is actually, at the same moment, a clerk in ANOTHER public office!*

With these specimens of the system which prevails in some of the chief offices of public record, it is vain to deny that the abuses are notorious; and in all the others a change is as imperatively

necessary, unless it be deemed proper to preserve these institutions that they may answer no other purpose than to be burthens on the public purse.

In the Pípe Office neither the keeper nor the clerks can read the Rolls; and when copies are required, they are made by a clerk from another office. In the Treasuries of the King's Bench and Common Pleas the clerks cannot read the early rolls; and if a copy be wanted, the applicant, in case he requires a transcript which he can use, must make it himself, and pay exactly the *same fees* as if it were copied by the person belonging to the office. In the office of the Duchy of Lancaster, the contents of which are extremely miscellaneous and valuable, the fees are stated in the official report in 1801 "to be one shilling per folio for copies, or sixteen-pence if there is any considerable difficulty arising from the antiquity or language of the record;" but notwithstanding this statement, eighteen-pence per folio was lately demanded for the copy of a record in *English* of the time of James the First, of which the original was as legible as any printed book. In the Lord Treasurer's Remembrancer's Office, there is an immense number of important records, including the memoranda and originalia, early muster rolls of our armies, &c., which are suffered to lie in a damp vault so dark that in the brightest day of summer it is

scarcely possible to read the endorsements on the backs of the rolls.

Before concluding the remarks on this subject, a few observations on the Prerogative Office in Doctors' Commons are desirable.

Through the laudable exertions of Mr. Protheroe, the late member for Evesham, to whom the country is also indebted for information about the expenditure of the money granted to the Record Commission, several Parliamentary Returns have been made, shewing the number of offices in which wills are proved, and administrations are granted, throughout the kingdom. Any thing more anomalous or more confused than these registries cannot be conceived. In some dioceses there are from twenty to thirty-eight* of these registries, and even with the assistance of the returns, it is scarcely possible to ascertain their respective jurisdictions. The lords of manors, incumbents of livings, vicars choral, prebends, deans, and diocesans having in many places separate courts, whilst the Prerogative Court of Canterbury claims jurisdiction everywhere for *bona notabilia* out of the respective dioceses. In each of these Courts fees are of course payable for probates, and the incredible

* In the diocese of Bath and Wells there are no less than twenty-eight Registries, and in the diocese of Coventry and Litchfield there are *thirty-eight*.

number of persons whose "vested rights," varying from twenty shillings to a large amount *per annum*, must be protected, present a formidable obstacle to the suppression of these petty nuisances. Only one court, that of the bishop, ought to exist in each diocese, to which all the records of existing courts in that diocese should be transferred; and a complete index being made of the general contents of the bishop's court, a manuscript should be sent to an office in London, and be kept up by annual returns of indexes of all wills proved and administrations granted, within the preceding twelve months.

The importance of Wills in relation to claims to property is so great, and the searches are consequently so numerous, that by the establishment of a general office of indexes to every Will in the kingdom, the greatest benefit would be conferred on all classes of the community.

With respect to the Prerogative Office at Doctors' Commons many improvements are loudly called for, and the enormous profits which the establishment derives from the public entitle the demand to attention. The fee for a search is one shilling, but though this authorizes the applicant to inspect a will, he is not permitted to take an extract, and if, in ignorance of the regulation, he ventures to make a memorandum, some impertinent

clerk will peer over his shoulder, and with the observation, "no copying is allowed," the paper is snatched from his hand, and torn into pieces. The object of this rudeness is, to *force* persons to order office copies, for which fees are paid; but even if this expensive method of obtaining information be submitted to, the transcript is of no value, unless it be collated by the applicant, because scarcely a single copy is ever made which is free from the grossest blunders, especially in names and dates, notwithstanding that the signatures, or rather the names, for it is too much trouble for them to sign it themselves, of *three registers*,* occur to each transcript, gravely testifying, that "it is a true copy!" But the refusal to allow an applicant to make a memorandum, much less to take a copy himself, is not the only grievance. There is but one copy of the index, which is not, as it ought to be, subdivided into the second letter, that is placing all the *Sas*, *Ses*, *Sis*, &c. in regular alphabetical order, instead of throwing all names beginning with one letter together. The index, moreover, being

* The salary of each of these deputy registers is £1,100. The office of register is a perfect sinecure, and it is by no means certain that the Principals, who receive not less than *four thousand* a year each, ever entered the office, even if they actually know where it is; yet to support this system the public are subject to vexatious impediments to their researches!

written in the old text hand, is quite illegible to the lower orders, who often have to pay an extra shilling for the names being read to them. In this, as in every other office of public record in the empire, the muniments are contemplated by those to whose custody they are entrusted, as their own private property, and as if they were preserved for no other purpose whatever than to enable them to make money by the use of them. For literary purposes Wills are of considerable utility, as they are valuable materials for biography ; and this fact cannot be too strongly pressed upon those who are interested in personal history, because it is a source of information which has been rarely consulted. If therefore the convenience of the public, and the desire of placing information, which is as indispensable for legal, as it is important for literary purposes, be weighty motives for an alteration ; and if the establishment or conservation of individual rights be desirable, an improvement is called for in the regulations of offices for registering Wills, and more especially of the principal and richest one in the kingdom—that of Doctors' Commons.

The necessary alteration is a very simple one : It consists in consolidating the provincial offices, making indexes to their contents, placing those indexes in one place in London ; in *printing the indexes* to the wills, &c. in Doctors' Commons, and

in allowing extracts to be made from the documents, for the shilling which is now paid for inspecting them. Whilst the Record Commission has printed numerous volumes of indexes to records of not one hundred part so much utility to the community, not a thought has been bestowed on the wills in Doctors' Commons, in which every family is more or less interested. Of the volumes in question scarcely twenty copies of some sets have been sold; hence there has been little return of the money expended upon them, whereas if the Calendars to those Wills were printed in a more convenient form than the absurd one of ponderous folios, which cannot be lifted without endangering the arms of him who opens them, nearly every attorney's office in London, and many of those in the provinces would possess a copy. The extent of the calendars forms no obstacle, for if judiciously managed, the whole, extending from the fourteenth century to the present time, might be comprised in three quarto volumes. The Record Commission possessed the power of ordering these indexes to be published, and besides the arguments, which have been used in favor of the measure, this powerful one ought not to be omitted,—that the poor and illiterate would be even more benefited than the rich and the learned.

CHAPTER V.

THE RECORD COMMISSION.

THE proceedings of the Commission for the BETTER ARRANGEMENT, PRESERVATION, AND PUBLICATION OF THE PUBLIC RECORDS present an example of the necessity of selecting proper agents for the execution of any object, and of the manner in which whatever emanates from the Government may be perverted and flagrantly mismanaged, if not abused.

That Commission was established pursuant to an address from the House of Commons in July 1800, “to provide for the better arrangement, preservation, and more convenient use of the Public Records, which were in many offices unarranged, undescribed, and unascertained; and as many of them are exposed to erasure, alteration, and embezzlement, and are lodged in buildings incommodious and insecure, it would be beneficial for the public service that the records and papers contained in many of the principal offices and repositories should be methodized, and that certain of the more ancient and valuable amongst them should

be printed." Power was given to the Commissioners to appoint Sub-Commissioners "*to methodize, regulate, and digest the records* in any public office, to cause such as were decayed to be bound and secured, *and to make exact calendars and indexes thereof*, and to superintend the printing of such calendars and indexes as the Commissioners should think fit to print;" which Sub-Commissioners were to be paid by certificates addressed to the treasury by any three of the Commissioners.

About £7000 per annum has been spent by the Commission since its formation, independent of the amount paid by government to record keepers and their clerks; so that for about thirty years the public muniments have cost the country at least £10,000 per annum. It does not appear that those who first appointed the Commission knew precisely the objects which it was intended to accomplish, or if they did, they were unacquainted with the best means of attaining them.

A return had been printed by Parliament from each repository of the nature of its contents and the condition of the muniments; but as in some cases the keepers were ignorant of great part of the documents in their custody, and as all returns of this nature are more or less imperfect from the unwillingness or incapacity of persons to give infor-

mation, those returns, though useful, are by no means satisfactory.

The first proceeding, therefore, should have been to ascertain precisely, not from the imperfect reports of the respective custodes, but by the personal examination of competent individuals, the nature and contents of each repository, with a view to the formation of perfect catalogues and calendars. A few years' labour and the sum allowed by Parliament would soon have accomplished this most important object, and when the Commission became sufficiently informed as to what records existed, all its energies should have been directed towards a PROPER CLASSIFICATION of the muniments. Instead of acting upon this plan, some of the wretchedly-imperfect calendars which previously existed were sent to press. Of the effect of this error, the Calendar of the Patent Rolls, which appeared in 1802, will be an everlasting monument. These records, which commence with the third year of King John, 1203, and terminate with the reign of Edward the Fourth, in 1483, contain grants of offices, honors, and lands, &c., and afford very important historical information. The printed calendar, however, *does not present a reference to one fifth part of the entries on the rolls*, whilst those which are mentioned are in most instances so des-

cribed as to conceal the import of the grant referred to. The following luminous entries being specimens :—

“ Pro Priore de Hull; ”—“ De supervidend recorda, &c. ; ”—
“ Quatuor vicariis in Ecclesiæ Assaveñ; ”—“ Pro cantar’ de Stanley in Essex; ”—“ Pro Priore de Blida; ”—
“ De Ulnagio, &c. ”

The imperfections of this calendar are so notorious, that *another is actually in preparation*; so that the money expended on this volume will have been entirely thrown away.

Of the other works printed by the Commission only two, “The Fœdera” and “The Scotch Rolls,” can be considered of an historical character, the others being Calendars to, or copies of, a variety of records, few of which are of equal importance to the Pipe Rolls or Clause Rolls, which have been neglected, excepting so much of the latter as are to be found in the “Fœdera” and “Parliamentary Writs,” forming not a hundredth part of the whole. It is impossible in this place to enter into a critical examination of each of the volumes which have been printed by the Commission. The utility of many of them in comparison with the records which have been passed over, is by no means great, since they are documents which interest only a very limited number of persons, but those on which

some remarks will be submitted are, the Catalogues of the Manuscripts in the British Museum, the "Calendar of the Inquisitiones Post Mortem;" "the Fœdera," "the Calendar to the Proceedings in Chancery," the "Valor Ecclesiasticus," the "Statutes of the Realm," and "the Parliamentary Writs."

THE CATALOGUES OF THE HARLEIAN, LANDSDOWNE, AND COTTONIAN MANUSCRIPTS.—That these Catalogues are often erroneous and generally unsatisfactory is well known to all who have consulted them. The first two volumes of the Harleian Catalogue are much better than the third volume, than which nothing could be more disgracefully executed. A volume, of which the contents are very miscellaneous, is often dismissed in two lines; and as an example of the little care displayed in its compilation, it is sufficient to state that the description of all the manuscripts from No. 5030 to No. 5510, that is, *four hundred and eighty volumes*, only occupies *six* pages. In many other instances no information is afforded as to the contents of the manuscripts; for example, No. 5192 is stated to consist of "some charters relating to the church of St. Peter, York;" not a word being said of their nature, purport, or date. No. 6983 is described as "an octavo, consisting of various heraldic collections;" by whom and of what

kind being left to the imagination of the reader. No. 6982 is merely called "an octavo taken from registers in the Cotton Library." Nos. 6979 and 6980 are said to be "two volumes from the collection of H. Warton;" who Warton was, and what was the subject upon which he collected, being unexplained.

The defects of the CATALOGUE OF THE COTTONIAN MANUSCRIPTS are of a similar kind, the manuscripts being very imperfectly described. In most instances where the miscellaneous collections of individuals are bound up, the volume or the part of the volume containing them is simply mentioned in the catalogue as consisting of the collections of A, B, or C; sometimes without being accompanied by any account of the subjects to which those collections relate, and affording no clue whatever to any particular article. The same remark applies in many instances to Letters; for though the names of the writers and of the persons to whom they are addressed, with the dates, are generally noticed, it is seldom that any allusion occurs to the more important part, namely, the points treated of in them. To this it must be added that the descriptions of the manuscripts are not unfrequently erroneous, and what is equally material, the general index at the end of the volume is extremely incomplete. For ex-

ample, the Cottonian collection contains the highly valuable chronicle of the Abbey of Lanercost, but no special *reference* is to be found to it in the general index; and other omissions of equal consequence might easily be cited. It must be observed, that notwithstanding the large sums expended upon that admirable and truly national establishment, the Catalogue of *Additional Manuscripts* in the collection is not yet printed, and that upwards of two thousand manuscripts are not indexed, even in the manuscript catalogue in the reading room. The great desideratum, however, with respect to the manuscripts in the Museum is, that there should be a general and most accurate *classed* catalogue referring to *all* the collections; of the names even of which collections a person may frequent the reading room for years and be ignorant. As that institution is conducted upon the most liberal and excellent principles, it has conferred incalculable benefits upon literature and the arts, and has done very much to extend knowledge of all kinds. But well merited as this praise is, blunders are sometimes committed which prove that an infusion of practical talent among the trustees would be extremely beneficial. A recent instance of the occasional want of judgment, which they evince, is truly ludicrous.

It was intimated to the Speaker of the House of Commons, as one of the trustees, that the Baron De Joursanvault of Pommard, near Beaume, was possessed of a magnificent collection of muniments of the 14th, 15th, and 16th centuries, relating to the occupation of France by the English, and affording important illustrations to the History of the period. Specimens of the documents were produced, and the very moderate price which was asked for the collection was named. The Speaker promised to bring the subject to the notice of his colleagues, and he did so with such success, that it was determined some one should be sent to examine the manuscripts. So far the resolution was a proper one, but instead of despatching an individual in an unostentatious and quiet manner, the head librarian of the Museum was selected, and the purport of his visit was announced to the British Ambassador, that he might receive *official aid in his mission!* Not contented with this injudicious and useless developement of the objects in view, the learned gentleman himself pompously announced wherever he went that he was the "chief librarian of the British Museum," sent specially to treat for these manuscripts; thus making a *public* affair of what should have been kept *private*. The effect of this folly may easily be ima-

gined. Long before the "chief librarian" reached Pommard, the French newspapers expressed their indignation that historical muniments should be sold to the British government ; inferring that England must indeed be anxious to possess the records in question, when the purchase of them was made an official business.

The effect of all this parade upon the owner of the manuscripts was a natural one. He fancied he had erred in his estimate of their value, and that as they seemed to be objects of national importance to another government, he resolved to make that government pay at a much higher rate for what they manifested such extraordinary anxiety to obtain than a private individual. On the "chief librarian's" arrival at Pommard, he discovered that the Baron could speak little English, and the Baron, as he has since asserted, discovered that the "chief librarian" could speak less French ; hence it was with great difficulty the latter could understand that the Baron had become so enlightened about his treasures as to expect not merely double the price he originally asked for them, but that as our government had interfered on the subject, he wished it to advance one step farther, by inducing His Most Christian Majesty to raise his Barony into a Comté. Such terms were out of the question, and after spending *two*

or three hours only in examining the collection, but which required at least as many *weeks*, the "chief librarian" returned to England *re infecta*, and made his report to the trustees, who refused to purchase the collection, but offered to buy a few documents, which the owner of course declined.* Thus, highly valuable manuscripts are lost to the Museum, and to the country, in consequence, solely and entirely, of the absurd measure adopted for their acquisition.

The imperfect condition of the printed Cata-

* The Baron de Joursanvault has since written to the Speaker and to the "chief librarian" of the British Museum. In answer to the letter from the latter, announcing the decision of the trustees, the Baron expressed his surprise at their resolution, and observed—"Votre lettre, Monsieur, qui me fait connaître la détermination du conseil du Musée Britannique sur mes archives m'étonne et me démontre qu'il n'a pas été suffisamment éclairé par le compte que vous en avez rendu : comment au fait pouvoir supposer qu'en *deux heures* de temps vous ayez pu prendre une assez entière connaissance de *six cent mille* titres pour en faire un rapport qui ne laisse même que peu à désirer. Je tire de votre propre lettre la preuve que votre examen n'a pas outrepassé quelques papiers qui étoient sur la petite table devant laquelle vous étiez assis. Vous me demandez à acquérir une liasse, pourquoi celle-là plutôt qu'une foule d'autres. Si votre investigation eût été plus étendue vous eussiez vu que chaque carton contient, sur l'objet que vous recherchez plus spécialement, plus de titres que la liasse en question n'en renferme. Revenez me voir, Monsieur, j'en serai personnellement charmé et flatté ; nous reverrons ensemble les objets sur lesquels vous n'avez jeté qu'un coup-

logues of the manuscripts in the Museum is evidence of the incompetence or negligence of those by whom they were compiled: but the circumstance is adverted to as another proof of the many which will be adduced, of the unfortunate manner in which the Record Commissioners have performed their duty in not detecting those faults before the volumes were printed, and obliging the compiler to execute his task properly as he went on, or at least before he was paid.

d'œil en masse : *mais faites vous accompagner d'une personne qui nous serve de truchement.*"

To the Speaker Monsieur de Joursanvault stated that he had been honored by the "chief librarian's" visit, to whom he had with much pleasure shown his collection, but "*très-malheureusement M. Ellis et moi ne pouvions pas nous entendre, il ne parloit pas Français; de là sont venus des malentendus sans nombre.* Convaincu, par exemple, que M. Ellis étoit mandataire de votre gouvernement et d'accord avec celui de France, la demande que je faisais d'un titre devoit paroître possible. La preuve de ma bonne foi en tout cecy est telle, que dès que j'ai reconnu ma méprise j'ai retiré cette demande. Cecy même, Monsieur, a dû arriver à votre connoissance. J'ai dû supposer par le peu de tems que M. Ellis a mis à visiter mes cartons (*il est resté environ deux heures*) qu'il ne venoit que pour s'assurer, de la part de votre gouvernement, quelle en étoit la masse, et qu'il avoit reçu antérieurement des notes suffisantes sur ce que contenoient les cartons. Quel a donc été mon étonnement de recevoir par son intermédiaire la connaissance de la détermination prise par le comité du Musée! Mais mon étonne-

CALENDAR OF THE INQUISITIONES POST MORTEM IN THE TOWER.—These Inquisitions, which commence with the reign of Henry the Third, and terminate with that of Edward the Fourth, were taken by a jury on the deaths of persons who held lands *in capite* of the crown, and the record contains a statement of the lands of which the deceased died seised, of the services by which they were held, whether the tenant was attainted of treason, was an outlaw or an alien, together with

ment a été à son comble lorsque j'ai vu la proposition de traiter seulement pour *une liasse* qui a rapport à l'Angleterre, lorsque *chaque carton* en contient *au moins autant de ce même genre*. La liasse dont il est ici question étoit sortie de deux ou trois cartons seulement, dans lesquels M. le Baronet Croft avoit recherché pendant 24 heures et dans lesquels il trouva une infinité de documens ayant rapport à l'histoire d'Angleterre ; comme il existe dans mes archives trois ou quatre cent cartons pareils, il est facile de voir jusqu'à quel point M. Ellis a pu en juger dans l'espace de deux heures ou deux heures et demie qu'il a passé à Pommard. Tenez vous pour certain, Monsieur, qu'il existe dans mes cartons, *dix mille*, peut-être *cent mille titres* sur le même sujet. L'inappréciable M. Boudot, archiviste de Dijon et directeur de l'école des chartes, peut être un des hommes les plus instruits de France en diplomatie, a travaillé dix-huit mois chez moi ; il connoit mes archives, il les a en partie arrangées, il peut plus qu'un autre vous en rendre compte. Il répugneroit à les voir sortir de France, cette raison doit vous assurer d'un compte d'autant plus fidèle. Il peut être, plus que tout autre, consulter sur la valeur de cet

the name, age, and relationship of his next heir. The printed calendars to these valuable records, by which alone, it may almost be said, pedigrees are to be traced, or the descent of lands deduced, now form four volumes; and though an imperfect and discreditable performance, no less than *twenty-three years* have been required to produce them, at an expense, judging from that of the two last volumes, of not less than £9000.

The calendars present the name of all the lands

objet; c'est là où vous trouverez à vous former une opinion fixe et juste, beaucoup plus que d'après un homme qui regarde pendant *deux heures six cent mille titres*, et que *l'impossibilité de comprendre m'obligeoit à laisser à son propre examen.*" "Vous apprécierez, je n'en doute pas, Monsieur, la franchise des explications que j'ai l'honneur de vous donner. Vous ne blâmez pas, j'espère, le juste mécontentement que je dois ressentir du compte dépréciateur que M. Ellis a rendu de mes archives: il est la conséquence d'une investigation faite trop légèrement, et sur laquelle, pour ma propre satisfaction et pour l'honneur des Sciences, je vous sollicite vivement de revenir. J'offre donc de laisser travailler dans mon cabinet, tout le tems nécessaire, toute personne qui me viendra de votre part, et sera porteur d'une lettre de vous, mais toutesfois, en ma présence et après l'engagement solennel de ne copier aucun titre."

This letter was not honored with a reply; hence it may be doubted whether the Baron de Joursanvault is more astonished at the sagacity than at the politeness of the individuals who have treated with him for the purchase of his manuscripts.

of which each person died seised ; but that information for which Inquisitiones Post Mortem are most frequently consulted, the name and age of the heir, and which might in every instance have been expressed in two lines, is omitted. The motive for this is sufficiently obvious, because if those statements had occurred, it would not be so frequently necessary to consult the originals, and hence divers sixteen shillings and eightpences would have been lost to the keeper, besides the chance of copies being wanted. But these omissions are not the only defects in this calendar. Numerous escheats are inserted which were not Inquisitiones *post mortem* ; so that the utmost caution is necessary in using the volumes, lest from finding an Inquisition in any particular year, the person to whom it relates should be supposed to have then died, whereas it is often positive proof that he was then living. The confusion created by thus mixing up various kinds of Inquisitions with Inquisitions Post Mortem may be easily conceived, and the errors they produce are both many and serious.

A notice which is prefixed to the fourth volume of the calendar of these Inquisitions which was *seven years* in preparation, is so strongly indicative of the state of even the best arranged of

the Record offices for which the country has annually paid £1440, that it is deserving of particular attention :

“ Previous to the completion of the Calendars of the Inquisitiones Post Mortem, which are preserved in the Tower, it was deemed necessary that the immense mass of miscellaneous records in that repository should be carefully looked over, in order that any deficient document of the same nature should be collected and added to the general series. This has been done during the progress of the present volume, and the result has been the recovery of a large portion of the Inquisitions which are noted in the preceding volumes *as lost* ; and the *discovery* of upwards of *three thousand* other important documents of the same kind, in the several reigns from King Henry the Third to James the First inclusive.”

If therefore three thousand documents of *one* class only have been discovered in the best arranged and best paid office in England, what information may not be expected from sorting and arranging the huge masses of records which are suffered to moulder into dust in the Chapter-House, Pipe Office, Augmentation Office, and various offices of the Exchequer, and indeed in nearly every office of record in the country ? More convincing proof

of the system which prevails in these offices could not be adduced, than that in an office containing a keeper with £500 per annum, and with fees which perhaps double that sum annually, with six clerks, whose salaries amount to £940 per annum, *three thousand of the most useful records should now be discovered*, though a Record Commission which has expended an immense sum has existed for nearly thirty years.

Many of the defects in the calendar to the Inquisitiones Post Mortem, which have been alluded to, occur in the volumes entitled *DUCATÛS LANCASTRIÆ*, part of which contains a calendar to the Inquisitiones Post Mortem, taken in the Duchy of Lancaster.

THE CALENDAR TO THE PROCEEDINGS IN CHANCERY.—Admitting that it was prudent to print a Calendar to those proceedings, at the moment when it was ordered, the obvious plan would have been to print a *perfect calendar beginning with the earliest records extant*. But as if the Record Commission could never to do anything perfect or complete in itself, it ordered this calendar to be *commenced* with the reign of Queen Elizabeth, instead of that of Richard the Second! The editor, however, prefixed to the volume a specimen of the Chancery proceedings in earlier reigns,

and perhaps there are no documents extant which throw so much light upon the state of society, which so clearly shew the personal property possessed by, and the alliances and descent of families, and which are so necessary in illustration of the history of this country in the middle ages, *as those which the Record Commission neglected to notice.* The first volume of the Calendar commences with the least important in an historical point of view of the series; and hence the Calendar itself will always remain imperfect,—a lasting proof of the want of system and judgment of those who determined upon its publication. From this censure, however, the editor must be excluded, for he was obliged to obey the directions which he received, however injudicious they might be; and it is said that in venturing to give specimens of the earlier and more valuable records, he acted upon his own responsibility; whence it may be inferred that he was as sensible as any other reasonable person, of the impropriety of not including them in the calendar.

The VALOR ECCLESIASTICUS are five volumes containing the Report of an Ecclesiastical survey, made pursuant to Stat. 26, Hen. VIII. 1534, for ascertaining the yearly value of all the possessions, manors, lands, &c. appertaining to any monastery,

priory, or church in England or Wales, Calais, Berwick, and the Marches; the *two* last volumes of which have cost the country £5,000. To this work it is intended to print a general index, upon which a competent judge has remarked,

“The General Index to the ‘Valor Ecclesiasticus,’ which it is intended shall be printed, is a thing almost entirely useless, and I cannot understand how the commission can be brought to give its sanction to it, when so many other works of so much greater importance ought to engage it,—the Pipe Rolls for instance. The admirable arrangement of the Valor renders an index less necessary than in most works; but when an index is wanted, that to each volume is abundantly sufficient without an additional expenditure of £2,000.”

From the following specimen it would appear that the want of attention on the part of the editors is as conspicuous in this as in most of the other works which have been printed by the Commission, as the same critic proceeds,

“But the want of care and editorial exactness in the printing of this record renders it of less importance to prepare a second index. Places are mentioned which cannot be found by the index. Within the compass of a very few pages we have

Barfeld for *Darfeld*; *Wynton* for *Swynton*; *Quashe* for *Onashe*, bis.

THE FœDERA.—It would be difficult to justify the conduct of the Record Commission in ordering a new edition of this well known and most important collection of public instruments, as it appears repugnant to common sense to employ the resources entrusted to the Commission in *reprinting* a work which is generally known throughout Europe, of which more than one edition already existed, and which was neither scarce nor expensive, when articles of the most valuable nature had never seen the light. In deciding upon such a measure the commissioners must have presumed that the previous edition was erroneously printed, and intended that every document should be carefully collated with the original, and that much new matter should be introduced. That errors crept into the first edition of the Fœdera is admitted, though it is believed that they are not very numerous. Their extent can only be ascertained by reference to the original records: and for this not only is considerable time requisite, but even if an individual were disposed to satisfy himself on the point, the regulations of the offices, in which they are preserved, present an insurmountable obstacle. It is fair to assume that the contents of the latter volumes of the new edi-

tion *are* carefully collated, because it was the paramount duty of the editor to do so. Of the first volume, however, it is positive that some of the documents were *not* collated ; and of this the following facts present striking examples :

One of the most singular and interesting instruments connected with British history extant, is the remonstrance of the Barons of England assembled in the General Parliament at Lincoln in the 29th year of the reign of Edward the First, 1301, to Pope Boniface the Eighth, denying his claim of superiority over the kingdom of Scotland, and expressing their unanimous resolution, that the King should not submit to the Pontiff's judgment concerning the dominion of Scotland, or any other temporal right ; two contemporary copies of which with the seals of the Barons attached are preserved in the Chapter-House at Westminster.

This letter was printed by Sir William Dugdale in 1685, and by Rymer ; but when it was noticed by the Lords' Committees on the Dignity of a Peer of the Realm in their Reports, their Lordships expressed doubts as to the *authenticity* of the instrument on the grounds, that the copy in the "Fœdera" differed both from the copy given by Dugdale, and from the contemporary copies in the Chapter House, observing that " It is difficult to conceive

from what document the name of Lord Molyns was introduced in the copy given in the *Fœdera*." Upon examination it proved, that though the instruments in the Chapter-House were the authority for each of the printed copies, *yet that the copy in the new edition was a verbatim et literatim reprint of the copy in the old edition of the Fœdera, having every one of the numerous errors most carefully retained.* As such culpable carelessness was manifested by the editors of the new edition, with respect to a document which might have been verified with so little trouble, and which from its great historical interest claimed their best attention, it is not unreasonable to suppose that the other articles, at least in that volume, of the new edition have been reprinted without being examined. Another instance of the careless manner, in which the first volume of the new edition of the "*Fœdera*" is edited, is with respect to the persons, who, having assumed the cross, obtained letters of protection from Henry the Third in 1269 and 1270. In the old edition of that work two documents on the subject occur, containing various names, which are reprinted in the new edition,* but no notice is taken of similar instruments, granted on the same

* Vol. I. pp. 482, 483.

occasion to no less than *one hundred and twenty-five* other persons, including Prince Edward, his consort, numerous barons, and other eminent individuals. Would not an historian, on consulting the last edition of the "Fœdera," infer that no other persons received letters of protection, in consequence of that crusade than those there mentioned? In what way could he account for the omission of individuals, whom chroniclers state were present? And into what erroneous inferences might not this circumstance lead a writer who investigates historical events in a profound and critical manner?

One of the most flagrant blunders, however, remains to be stated, than which nothing can be conceived more indicative of editorial ignorance and carelessness. King Henry the Third in the thirty-third year of his reign, 1248, granted the Bishop of Rochester a right of free warren in the manor of Frekenham. This document is printed in the first volume of the "Fœdera," and was taken verbatim et literatim, from an imperfect copy in Thorpe's "Registrum Roffense;" and because that writer assigned it to the thirty-third year of the reign of Henry the *First*, 1132, the erudite editors of the "Fœdera" have done the same, though the style of the King and the name of the grantee, as well as of the witnesses, afford conclusive evidence

of the exact period when the grant was made. The instrument occurs on the Charter Rolls, with which it was not collated, and the result is, that there is an error of no less than *one hundred and sixteen years* in the date to which it is assigned. But even if the latter volumes have been collated, it was wholly unnecessary to reprint that work; and if they have not been collated, the new edition is neither more nor less than a criminal waste of the public money.

The proper course to have adopted with respect to documents of the nature of those in the "Fœdera," was this. If upon examination there was reason to doubt the accuracy of Rymer's labours, the whole of the work should have been collated, and the errors carefully noted. All the new matter which has been introduced should have been reserved for what might be termed "a Second Series," in which every line would consequently have had the merit of being new to the world. In such a series a part should have been appropriated to a list of the errata discovered in the old edition, whilst the documents, which were so erroneously printed by Rymer as to require to be reprinted, might have been inserted. At the same time, when one class of documents (those relating to attendance in Parliament) are thus reprinted in the new edition of

the "Fœdera," they have been *twice printed* at the public charge in two other works, namely, in the "Parliamentary Writs," and in the Appendix to the Report of the Lords' Committees on the Dignity of a Peer of the Realm; and it has happened, as in the case of the Barons' Letter to the Pontiff, that the same article has been reprinted no less than *four times* at the cost of the country within twenty years.

It is desirable to inquire what proportion the new matter in the present, bears to the contents of the old, edition of the "Fœdera." In the last volume which has appeared, the proportion is about one third, all of which is taken from the Tower, and is by no means so important as many articles that might be found, either there, or in other repositories; but in the previous volumes the proportion of the new to the old matter is not *one fifth*. The want of care and judgment in selecting the new matter is apparent from many circumstances. Besides the documents printed in the old edition, Rymer formed *fifty-seven* folio volumes of manuscript collections of records illustrative of history, between the year 1115 and the year 1698, which apparently were intended as a continuation of his splendid work. These manuscripts are preserved in the British Museum, and require nothing more

to render them fit for press than that the various instruments should, where practicable, be collated with the originals. Of this valuable collection, incredible as it must appear, the editors of the new edition of the "Fœdera" have not availed themselves; for though a few of the documents are included in it, they are a part of those only which occur on the Clause, French, Gascon, Patent or Scotch Rolls. But of those which Rymer obtained from other sources, and particularly from original instruments, such as treaties, conventions, &c., no notice whatever has been taken; and it seems perfectly clear from other facts, that Rymer's manuscripts have not been consulted on the occasion. Although all the new matter in the last volume was taken from records in the Tower only, there are some materials, even in that office, which have been entirely overlooked; whilst many documents are printed from the Scotch Rolls, notwithstanding that those Rolls have been published at length by the Commission as a separate work.

Instead of having six ponderous volumes of a very *little new* mixed with the old matter, which have been produced at a sacrifice of the public money as unnecessary as it is lamentable, *two volumes* would have contained every line of the

original information which is to be found in the six. The expense of this work will be considered hereafter, but it may now be asked, whether the new edition of the "Fœdera," even supposing that the work was well, instead of carelessly, edited; and if it were produced in the most economical, instead of the most extravagant manner, was not uncalled for, and whether consequently it was not an injudicious measure?

The propriety of printing historical evidence is unquestionable; but that which is required is not a *reprint* of what has been known throughout Europe for more than a century, but a publication of historical muniments, which the world has never yet seen, and which, as will be demonstrated, never can be printed excepting with the assistance of government. Any person who is aware of the immense, or rather the inexhaustible mines of materials which are scattered throughout the country, and who may be sensible of the important illustrations which they afford to the national annals, must reflect with pain on the many thousand pounds that have, through the combined causes of ignorance and negligence been thrown away on the new edition of the "Fœdera." Fortunately, however, the work may at once be stopped, and the first act of the new Commission should be to

prevent this monument of folly being rendered more bulky by the nine additional volumes, of which it is intended to consist, the expense of which, judging from that of the last part which has appeared, will amount to £50,000 besides the £30,000 already wasted! The nine additional volumes will, however, only bring the new edition down to the reign of Richard the Third, anno 1485, instead of that of Charles the Second, anno 1654, when Sander-son's edition closes, a difference of *one hundred and sixty-nine* years.

Though it may be difficult to justify the Commissioners for ordering a new edition of the "*Fœdera*," the cause may be explained.

Nothing could be conceived by which a large sum might be gained by persons calling themselves "editors," with less labour, than to reprint twenty folio volumes, whereas to collect new matter would require knowledge and research; but as the total omission of original articles might have exposed the job to detection, a sprinkling of what had not been before printed was indispensable.

THE STATUTES OF THE REALM.—The sole object of printing a new edition of the Statutes was that there might be a *complete* collection, as well of repealed as of the existing Acts of Parliament, and

that the text might be relied upon for its accuracy. It is gratifying, where there is so much to lament with respect to the other works, to say that of the accuracy of the text, translations, and collations no complaints have been made; but still this edition is by no means a *perfect collection* of the Statutes of the Realm. The collection ends with the accession of George the First, so that not *one* of the greater part of the *operative statutes is to be found*, and not a single *private* act is inserted. Though it might not have been wise to print all the *modern* Private Statutes, on account of their extent, one volume at least should have been devoted to the earlier ones, because the Private Statutes in the reigns of the Plantagenets and Tudors, abound in Historical, Biographical, and Antiquarian, if not Legal information, as well as with notices of the descent of lands; and one volume would have comprised nearly, if not the whole of the Private Acts down to the accession of the House of Stuart. This defect may, however, be easily supplied, without affecting the value of the new edition, to which it would form a valuable supplement, *but that edition requires at least half the statutes to render it complete!* It is by no means certain that the Indexes to the Statutes are as good as they ought to have been, both

in relation to their importance and to the heavy sum of £4,757, which they have cost ; and the omission of an index to the names of all the persons and lands mentioned in the Public Acts is very much to be regretted.

THE PARLIAMENTARY WRITS, AND WRITS OF MILITARY SUMMONS.—In commenting on this work two things are conceded ; that it is desirable that all Parliamentary Records should be printed ; and that the Editor of the present edition has executed the volumes which have appeared, in a satisfactory and able manner : hence the objections to which it is open, so far as the execution of the work is concerned, are not, with one exception, to be attributed to the individual by whose labours it has been produced. With one error the Editor must nevertheless be charged, that of not *commencing* the Series of Writs with the earliest upon Record, instead of arbitrarily fixing upon the reign of Edward the First. The fact need not be pressed, that the obscurity of our History is greater before, than after the accession of that monarch ; and that it was absurd to pass over the earlier instruments, because the Editor, it is now said, intends to print them hereafter. It may be that he did not begin his work with them, hoping that in the

course of his researches documents connected with that period might present themselves, which are at present unknown. The state of Record Offices doubtless justifies that expectation; and if such had always been his view of the subject, it is extraordinary that the volume which *commences* with the accession of Edward the First, should be called the *First* volume, and that so far from a word being said in the preface of the existence of previous Writs of any kind, or of his intentions respecting them, it would seem from the following passage that he or the Commissioners had assumed the right of deciding when *Parliamentary History* was to begin; that the accession of Edward the First was fixed upon as the æra; and that it was not thought proper to allow the good people of England, who had dearly paid for the work, to have the opportunity of judging for themselves, by giving them any earlier records:

“ The collection of which this is the *first* volume includes all the records which shew the constituent parts of the ancient legislative and remedial assemblies of England, beginning with the reign of Edward the First, the period when they first assumed a definite organization. Before this æra neither the principles nor the practice of the constitution can be ascertained with certainty; but

under the government of Edward the First a settled and uniform usage may be discerned from whence the Parliament received an organization nearly approaching to the form in which it now exists."

The alteration in the Editor's plan may, perhaps, be attributed to some remarks on the preceding passage in a review of the work on its appearance; but how the earlier records are to be printed so as to range with a series, of which the *first* volume is already published, it is not easy to determine. The expense which has attended this work will form the subject of a subsequent discussion; and though its value and importance are admitted, it is impossible to refrain from alluding to its contents in illustration of a total want of an organized plan in the operations of the Record Commission, the principle of which ought to have been that such records, as might be selected for publication, should be carefully edited in *one* work, and not be printed *twice or thrice* at the public charge.

This collection consists of all Writs of Summons to Parliaments and Councils, and of all Writs and other documents connected with the military services due to the crown, whether by reason of tenure, or allegiance. In the old, as well as the new edition of the "*Fœdera*," many of those Writs may

be found, and with the view of illustrating the labours of the Committee appointed by the House of Lords to Investigate, and Report on the Dignity of a Peer of the Realm, two folio volumes were printed, containing Writs of Military Summons and Writs to Parliament, beginning with the reign of John, and ending with that of Edward the Fourth. This was done within the last ten years, whilst the Editor of the Parliamentary Writs was employed in collecting materials for his work, and they were completed before a sheet of the "Parliamentary Writs" was sent to press. Of the contents of the two volumes printed by the House of Lords, *every word either has been, or is to be printed again in the Parliamentary Writs; and as some parts were published in the "Fœdera," the country will thus have to pay for printing the same documents two or three times within twenty years.*

The effect of this want of management will be best shewn by the subjoined analysis of the first, and only complete, volume of the Parliamentary Writs which has appeared.*

It consists, altogether, of one thousand one hun-

* The third Division of Vol. II. containing the Digests of Persons, not being yet published.

dred and fifty-eight pages. Of this number four hundred and twenty only contain Records, the remaining seven hundred and thirty-eight pages, forming nearly two-thirds of the whole volume, being appropriated to *Abstracts* and *Digests* of, and *Indexes* to, the Records in the said four hundred and twenty pages.

Of those Records, however, the contents of one hundred and forty pages have before been printed at the public cost either in the Appendix to the Reports of the Lords' Committees on the Dignity of a Peer of the Realm, in the "Fœdera," or in the "Rolls of Parliament."

The Lords' Committees and the Record Commission were entirely independent of each other, but as the expense of their publications were both paid for out of the public purse the effect on the public is the same.

No complete return has been made of the expense incurred by the Lords' Committees on the Dignity of a Peer of the Realm; but one official document states, that the individual who has found the Record Commission a mine of wealth, has received £1034. 10s. "as a compensation for his pains in making searches under their Lordships' directions, in the Lords' Journals, Rolls of Par-

liament, and other Records, and to reimburse him for payments made by him for copies of some of the records and other documents ;" nor is it certain that this was more than a sum "on account," whilst it, of course, forms no part of the charge for printing, paper, &c.

Whether in the event of the new Record Commission being formed of better elements than the last, it be desirable that the "Parliamentary Writs" should be proceeded with, ought to depend upon circumstances ; but if it be determined that they shall be completed, orders should be issued to the editors of the "Fœdera" (supposing that that work is not, as it ought to be, instantly abandoned), to omit every document which is to be inserted in the "Parliamentary Writs."

Alterations might, however, be made in the plan of the future volumes of the "Parliamentary Writs," by which a material saving of expense would be effected without, in any degree, taking from their value, though it might slightly lessen the facility with which the present volumes may be consulted.

The principal merit which the Editor assumes is for the Chronological Abstracts, Calendars, Digests, and Indexes. Against the convenience of

the most ample references of this kind, it would be ridiculous to say a word, but there are proper limits to all luxuries; and even good Indexes may be too dearly purchased.

The first object of such a publication is to afford as much information as possible, by giving original documents, and the greater the amount of records which are printed may be, the greater will be the benefit conferred upon the public. References to the records so published, though highly desirable, is a *secondary* object; and it may be doubted whether it is not carrying the principle to an improper length, considering the quantity of historical muniments which remain to be printed before a perfect History of England can be written, whenever those references exceed a list of the contents at the commencement, and complete Indexes, Nominum, and Notorum, at the end of each volume, in the same manner as is done in the "*Fœdera*."

But the mere references to the Records in the "*Parliamentary Writts*" are three times the extent of the Records themselves. For example, the references under the heads of Chronological Abstracts, Calendars, Digests, and Indexes, form nearly *two-thirds* of the whole of the first volume, without including the Index of Places. Volume the Second, which contains the Writts of the reign of

Edward the Third, forms, in fact, *three distinct volumes*, called "Divisions," the first Division, which consists of seven hundred and forty-two pages, contains the "Chronological Abstracts," and "Calendars of Writs and Returns;" the second Division consists of one thousand and fifty-nine pages of "Records;" and the third Division contains "the Digests of Names of Persons." But, notwithstanding, these immense masses of references to the Writs of three reigns, or one hundred and five years only, the Indexes to them are not yet completed; for it is said, "The Digests of Places and Principal Matters of the reigns of Edward the First and Second (two reigns, or fifty-five years only) *will form a part, or volume, by themselves!*"

That this plan can be continued is impossible, and the recklessness of expense which it betrays, in those who sanctioned it, is remarkable. To print Records, and to give indexes to them, is judicious and proper, but to allow the contents of each volume to be so digested, abstracted, calendared, and indexed, as to form three additional volumes of references is ridiculous, unless the funds at the disposal of the Record Commission were unlimited. The Digests consist in placing opposite to each individual's name the date and purport of the do-

cument in which he is mentioned; and as there are, sometimes, above *one hundred names* in each instrument, this information is repeated above *one hundred times*! No one can doubt that the plan is a *convenient* one, and if the country, with a debt of £800,000,000, can afford to pay for digesting, and redigesting one record a hundred times, at a cost of from £5000 to £8000 per volume, there is no other objection than that if the same money and labour were applied to printing documents which have never yet been given to the world, the result would be infinitely more advantageous. Let it be supposed, that all the publications of the Record Commission had been conducted on the same plan (and there is no greater reason for it in the instance of the Parliamentary Writs than in any other); the effect would have been that to every one of the sixty or seventy volumes of Calendars or Records, three volumes of references would be appended! If the "Parliamentary Writs" are not discontinued, the plan upon which they have been edited ought to be materially changed, and Indexes Nominum should be allowed to supply the voluminous Digests, whilst in the arrangement of the Calendar of Writs and Returns a great saving of expense might easily be effected without lessening their value.

It must not be understood from these remarks, that the *convenience* of the present references is denied; but it is contended that that *convenience* is purchased by an expenditure of labour and money, which might be much more usefully employed.

Not satisfied with uselessly reprinting the "*Fœdera*," the late Record Commission meditated an equally uncalled for expenditure, by reprinting the ROLLS OF PARLIAMENT, which were published by the country in six folio volumes about sixty-five years ago. The grounds for this measure are said to be that much new matter has been discovered, and that the present edition is incorrect. The new materials which have been found, and which consist chiefly of Petitions to Parliament should be printed as a *supplement* to the present Edition of the Rolls of Parliament, and the errors in the old edition which, either in extent or importance, are not very great, could be there noticed. That nothing might be wanting to shew the impropriety of reprinting the "*Rolls of Parliament*," persons have for the last *sixty-three years*, and are *at this moment* paid by the country for completing and printing an INDEX TO THE OLD EDITION, *which Index and old edition will be rendered completely useless by the proposed new edition.*

Folly and improvidence can scarcely go beyond

this, and if a premium were offered to him who could invent a plan for spending the public money in the most useless manner, the projector of a new edition of the "Rolls of Parliament" and of the "Fodera" would be sure of receiving it. What the Index to the "Rolls of Parliament" has cost has never been stated; but when it is remembered that it has been in progress since the year 1767, and is not yet completed, the amount cannot be less than several thousand pounds; and yet for the last eight years the Editor of the "Parliamentary Writs" has received a salary of £500 per annum (independent of the payment for editing those Writs) for "collecting materials for a new edition of the Rolls of Parliament!"

From the facts which have been stated, few persons probably will be inclined to doubt that the works printed by the Record Commission are remarkable for their imperfections, that they are not in many cases the most useful which might have been selected; and that the most important object for which the Commission was established, that of arranging records and rendering them useful to the public has not been accomplished.

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CHAPTER VI.

EXPENDITURE OF THE RECORD COMMISSION.

THE sums which have been paid by the Record Commission, for transcribing, editing, and printing, is unprecedented in the history of literature; and had the works thus paid for been as conspicuous for their merits as for their defects, the price at which they have been produced has been always much too great, and in many cases it has been extravagant.

Unfortunately, there are no Returns by which the separate expenses of the Commission can be ascertained before the year 1818; the papers moved for by Mr. Protheroe on the subject being confined to the preceding ten years. That the previous expenses were not less, and that the money was as injudiciously appropriated is certain, because the works published before 1818 were even more remarkable for their defects than those which have been printed since that time.

Between the year 1826 and the year 1828, £20,750 were voted to the Commission, and though

from the confused manner in which the application of that sum is stated in the Returns, it is not easy to ascertain how much each volume has cost, yet the following statements are not very far from the truth.

If any part of them be erroneous, the fault lies with the Secretary to the Commission for not complying with the order of the House of Commons, or at least with the request of the member who moved for the Returns, to state precisely how much each volume has cost, instead of merely presenting the bills of every person employed, which bills are even more curious specimens of the art of making charges than any Attorney's office in London can produce.

STATUTES OF THE REALM.

VOL. VII.

	£.	s.	d.
In hand from March 1819 to April 1820,			
Editor	417	18	0
Collators and Examiners	415	16	0
Engraver	92	18	6
Printer	1,168	10	0
Paper	576	16	0
Binding	318	16	0
	<hr/>		
	£2,990	13	6

STATUTES OF THE REALM.

VOL. VIII.

In hand from March 1820 to July 1821,

	£.	s.	d.
Editor	564	18	0
Collators and Examiners	760	18	8
Engraver	135	5	0
Paper	617	8	0
Printing.....	1,267	5	0
Binding.....	318	15	0
	<hr/>		
	£3,664	9	8

VOL. IX.

In hand from March 1821 to April 1822,

Editor	645	4	6
Collators and Examiners	738	6	0
Engraver	171	13	6
Printing.....	1,401	13	0
Paper	717	17	0
Binding	331	5	0
	<hr/>		
	£4,005	19	0

ALPHABETICAL INDEX.

In hand from March 1823 to March 1824,

Editor	394	16	0
Paper.....	232	16	0
Printing.....	495	7	0
Binding.....	279	3	4
	<hr/>		
	£1,402	2	4

CHRONOLOGICAL INDEX.

In hand from March 1824 to March 1828,	£.	s.	d.
Editor *	1,110	0	0
Assistance to the Editor	49	17	6
Paper	588	13	0
Printing	1,344	11	3
Binding	271	17	6
Total for Chronological Index	3,364	19	3
For the Alphabetical Index	1,402	2	4
Sum Total for the Index to the Statutes of the			
Realm	4,767	1	7

It thus appears that three last volumes of the Statutes of the Realm have cost £10,711, namely,

For Vol. VII.	2,990	13	6
Vol. VIII.	3,664	19	8
Vol. IX.	4,005	19	0
For the attendance of two persons on the			
Editor	50	0	0
Total	£10,711	2	2

To which must be added for the Indexes, but

* Notwithstanding the charge of £1159 17s. 6d. for editing this Index, the Secretary to the Commission, and co-editor of five of its works, makes a merit of not having charged for correcting and revising ninety-two sheets, after the Editor's death, as if £1159 17s. 6d. were not enough for one INDEX.

which do not contain an index to the names of persons and places, £4767 1s. 1d.

Now, taking the medium of the cost of the three last volumes as the price of each of the preceding six, the new edition of the Statutes of the Realm, with the index, must have cost the country the enormous sum of £38,393! Still the edition is *not complete*, because it ends with the reign of Queen Anne, and does not contain a single private statute; and even the index to the work is defective in two material points.

It has been the custom of the Record Commission to pay *two* classes of literary labourers, or in other words, to pay a second or third person as assistants to an editor, for doing what the editor of any other book does himself, notwithstanding that its publications do not, with the exception of the "Parliamentary Writs," contain a single note, but consist solely of documents either reprinted from previous volumes, or printed for the first time from manuscripts. The duties, therefore, of an editor of such works as those in question consist not less in examining the proof sheets with the originals, than in selecting materials and arranging them. There can be no objection to the documents being transcribed, or the indexes being compiled by an inferior person, but if the editor does not himself

compare the proofs with the originals, he neglects the most important part of his duty. It appears, however, that this department is usually deputed to persons called "*collators*" and "*examiners*," the *editor not deeming it his office to perform it*. Thus the labour for which the *editor* of the Statutes received, between March 1819 and April 1822, £2020 was for "superintending and correcting proof sheets;" whilst within the same period two persons were paid £1915 for "collating, copying, and examining proof sheets;" that is, paying *three* editors for performing the duty of *one*, and making the sum paid for editing each volume about £1300.

If this expenditure be contrasted with what the Statutes of the Realm might have been edited for with equal ability and success, the sum wasted will be at once apparent.

There should have been an Editor at a salary not exceeding £600 per annum, and a clerk at a salary of £150, and thus the saving upon every volume (allowing one year for the production of each, whereas, with proper diligence, two might easily be done within that time) would have been £550 in the editing alone; and if two were produced within that space, no less than £1000 per volume would have been saved.

The simple fact that for the compilation of the Indexes to the Statutes £1543 were paid, and that if the compiler had not died more would have been demanded, is so monstrous, that no other comment upon it is called for than to say that £500 is the utmost which they ought to have cost.

Instead of nearly £40,000, there is every reason to believe, that with common attention on the part of the Record Commissioners, the edition of the Statutes of the Realm might have been produced for £20,000; so that upon one single work there appears to have been an unnecessary outlay of £20,000.

The next item in the cost of this work is the printing, which seems to have varied from £5 to £6 16s. per sheet. In saying that with proper economy each sheet might have been printed for £4 or £4 10s., an assertion is made which may be easily refuted if it be wrong. On the charges for the paper, binding, and engraving, the means of forming an accurate judgment are not easily obtained, but the prices paid are now before the public; and its opinion as to the attention which has been manifested to economy will not here be anticipated.

Upon the subject of printing for Government it is desirable to advert to a measure which was con-

templated by the late Lord Colchester, and which if adopted and properly conducted would be attended by an immense saving to the country—that of establishing a Government Press, where the usual wages only should be paid to the workmen and compositors.

It is not generally known that by a rule of the trade the moment a compositor knows that the article on which he is employed is to be paid for by the Government, he charges an *extra sum* for his work, to which demand his master must submit; as if there were a reciprocal contract between the governed and the Government, to extort on all occasions as much money as possible from each other. This system increases the expense of printing all public papers; and even if the establishment of a Government Press be not thought advisable, the *monopoly* enjoyed by the King's printer ought to be destroyed,* and every work undertaken at the expense of the country should be thrown open to fair competition; those who

* The plan adopted at the Stationary Office is a proof how much *lower* all other printers for Government are compelled to work than the *King's Printer*. A pamphlet which has been lately published, entitled "An Appeal to the Legislature on the subject of the Office of King's Printer in England,

conduct them being responsible that the proper execution of the volumes is not sacrificed to cheapness.

THE CATALOGUE OF THE LANSDOWNE MANUSCRIPTS.—This Catalogue consists of two thin folio volumes, and as they were compiled before 1819, the expense is not included in the return. The printing and some other items paid for since that year are however mentioned, whence it appears that for correcting the press and compiling the index £166 8s. 6d. were paid, that a preface cost £10 10s., and that the printing alone cost £700. Two of these entries are remarkable, because they shew the sub-division of literary labour in Government works. There is the maker of the Catalogue, the corrector of the press, and the compiler of the index. But this is not all: a few prefatory remarks were required, for which a *third* person was employed, and of course paid. The individual selected to write those remarks was the late Keeper of the Manuscripts in the British Museum, and as neither the duties of *keeping* the manuscripts,

&c. by Samuel Brooke, Printer, many years in the employ of the Government," may be consulted with great advantage in reference to the abuses connected with the printing of Government works.

nor the salary, include the task of giving the public a slight account of them on the only possible occasion it can be required, the sum of *ten guineas* was paid that learned gentleman for "writing the preface," that is *three pages*! thus it is clear that to make catalogues of the contents of that establishment forms no part of the duty of the librarians, but that if either of those numerous persons bestows the slightest labour on one of those catalogues, he is paid *extra* for doing so.

The funds of the Record Commission seem from these facts to resemble the unhappy goose, from whose wing he who could pluck the greatest number of feathers received the highest praise.

THE VALOR ECCLESIASTICUS.—As the sum expended on two volumes of this work amounts to above £5000, the whole cost may be estimated at about £12,000, independent of a general index, which is not wanted, but which will cost at least £2000 more, making altogether £14,000.

Without stating the details, it is sufficient to observe that as usual *two* editors have been employed, who have received for two volumes £523 6s. 6d., the one for "general superintendence and revising and correcting sheets in the press," and the other for "compiling indexes." *Two* other persons have received £319 3s. 4d. for "transcribing and com-

paring records," whilst a *fifth* has been paid on the average about £66 per volume, for "collating names of benefices, annexing observations, and other assistance in preparing diocese maps;" so that the *literary* labour, if the word can be applied, of merely printing a mass of documents, without a note of any kind, is nominally divided among *five* persons at an expense for two volumes of £974. The printing of this work has been rather more than seven pounds per sheet, whilst the engraver of the skeleton maps of the dioceses has received no less than £1383 15s.

Although the "Valor Ecclesiasticus" ought to have been produced for a much less sum, £487 per volume for editing and transcribing is not very high, when compared with the other works of the Commission; and the principal point which calls for remark is, that of the £974, Mr. Caley, one of the co-editors, who from his numerous other avocations cannot have bestowed either time or attention upon the "Valor Ecclesiasticus," has received £367 10s., being one-third of the whole amount, leaving to the transcribers, who are the *real* labourers, only £319!

All that appears with respect to the General Index is, that £28 6s. have been paid to the transcriber, and that Mr. Caley, who must be endowed

with ubiquity, since his name occurs wherever payments are mentioned, has received £157 10s. as “co-editor,” that is *co-editor of an Index!*

CALENDAR OF THE INQUISITIONES POST MORTEM.—For the third volume of this Calendar, Mr. Caley, one of the *co-editors*, was paid £157 10s. and Mr. Bayley, the other *co-editor*, £321 2s. 6d. forming for Editorship £478 12s. 6d. The printing is charged about £5 17s. per sheet, the printing, paper, and binding of the volume, which consists of 511 pages, having cost £1814 4s. 4d.

The charge for editing the fourth volume, which contains 746 pages, and was *seven years in progress*, is, however, materially different, and justifies the inference, that the editors thought they had been working too cheap.

For that volume Mr. Caley was paid £367 10s. and his colleague Mr. Bayley £1162 19s. forming for editing, including the transcription, £1530 9s., to which must be added the charges for printing, paper, and binding, and the public will learn with complacency, that for a *single* volume of a most imperfect calendar they have paid £3445 15s., and taking £2000 as the average of each volume, the four volumes have cost the country £8000.

DUCATUS LANCASTRIÆ. — For this work Mr. Caley, though *co-editor*, and it would seem general

superintendent, as well as revisor and corrector of the proof sheets, *made no charge!* His colleague, however, was paid for the first volume £441 1s. 1d., and a "writing clerk" received £201 12s. 6d. For the second volume the co-editor received £1013, and his "writing clerk" £405 4s. 9d.; and for the third volume the former was paid £842 1s. 4d. and the latter £249 3s. 4d. Thus, for the literary labour of these three volumes, the sum of £4042 3s. 5d. has been paid, though one of the learned editors most generously devoted his time and talents to the work *for nothing!*

If the statement with respect to that gentleman's *gratuitous services* on this occasion be not a hoax, the word has never been properly applied. Attributing to him, for argument's sake, the most industrious habits; supposing him to possess all the energies of youth, and that his whole time by night and by day has been exclusively given to his official duties, the assertion that he bestowed any labour upon this work or upon the Calendar of the Proceedings in Chancery, for which he also claims the merit of having performed the duties of co-editor, without payment, is an insult to the Record Commissioners and to Parliament, because the duties for which the Return shews that *he has been paid*, besides his avocations of Keeper of the

Chapter House, and Keeper of the Augmentation Office, and his pursuits as editor of a *private* work, would monopolize the whole time of any three of the most laborious individuals living.

As the third volume of the “*Ducatus Lancastriæ*” is not completed, the entire expense of that work cannot be stated, but £5750 has *already* been paid for it.

CALENDAR OF THE PROCEEDINGS IN CHANCERY. Two volumes of this work only have yet appeared. One of the co-editors is *as usual* Mr. Caley, who, however, labours on this occasion *gratuitously*, and the other is Mr. Bayley. The latter gentleman was paid for the first volume, he having furnished the materials, and *with the assistance of his industrious colleague*, edited the work, £1493 17s. 3d. For the second volume, Mr. Bayley received £1246, but the other expenses are not stated. For this work, however, judging from the price of the first volume, each volume will cost above £3700!

THE PARLIAMENTARY WRITS.—There is some difficulty in exactly estimating the expense of the first volume of this work, because though between 1822 and 1827 the sum of £2357 was paid the editor for transcripts, yet, as that gentleman was

at the same time engaged in collecting materials for a new edition of the Rolls of Parliament, with a salary of £500 per annum, it is not certain what proportion of those transcripts are printed in the first volume of the “Parliamentary Writs.”

Independent, however, of those sums, the following have been paid for the literary labour bestowed on the *single volume* in question :—

	£.	s.	d.
For editorship and collation of text	214	4	0
For correcting proof sheets	405	6	0
For compiling calendars, abstracts, and digest.	725	5	0
Reward voted by the Commissioners.	200	0	0
Total	£1544	15	0

It would perhaps be desirable, that the Commissioners or the Sub-Commissioners, that is, the editors of the works, should define what they understand to be the duties of an editor. That it is not to correct his own proofs is clear, because for this, in the instance of one volume of the “Parliamentary Writs” £405 were paid; nor is it any part of those duties to compile the calendars, digests, indexes, and abstracts, though they form 738 out of 1158 pages of the work, because for doing that £765 have been paid; and it is no less manifest,

that he is not expected to transcribe the documents, since for those transcripts twice as much more than was necessary was likewise paid.

Notwithstanding that the payment of £214 to the *editor*, “ for editing and collating the text,” is to be found, still, *the other* payments were also made to the *same* gentleman in *another* character ; and the division of labour which has been pointed out with respect to the other works of the Commission, is not in this instance between various individuals, but occurs in the same person. Within *five years* he received £2500 as editor of the new edition of the “ Rolls of Parliament ;” £214 as editor of the “ Parliamentary Writs ;” and besides these *trifling* sums £2357 as a transcriber ; £405 as corrector of the press ; and £725 for his Abstracts, and Digests, and Calendars !

Though thus laden with his wealth, the Record Commissioners could not allow him to retire without heaping further riches upon him. They actually pursued him to his retreat, and thrust upon him an *additional* £200 as a REWARD ! And for what ? For having absolutely produced *four hundred and eighty* pages of records (of which *not more than one hundred and forty* had been before printed), with good Abstracts, Calendars, Digest, and Indexes !

To be as grave as the subject requires, the facts of the case are as follow; and whatever may be the value of the learned editor's labours, or the estimate of his talents, it is submitted that the country is much better without them, if they are to be purchased at such a price.

Between March 1822, and February 1829, the sums received by that gentleman may be thus stated :

	£	s.	d.
Salary as Editor of the new Edition of the			
Rolls of Parliament, at £500 per annum	3,500	0	0
For transcripts of records	2,357	1	11
For correcting proof sheets, making Calendars, Indexes, and Digests, and as			
Editor of the <i>first volume</i> of the PAR-			
LIAMENTARY WRITS.....	1,344	15	0
For Editorship and Collation of the Text,			
£575 8s.; Calendar of Writs, £189;			
Chronological Abstracts, £240; and			
correcting of proof sheets, £243 12s. of			
the SECOND VOLUME of the Parlia-			
mentary Writs.....	1,248	0	0
Salaries of Clerks	406	9	3
Stationary, and other trifling disburse-			
ments	53	2	6
	8,909	8	8
Reward	200	0	0
Total	£9,109	8	8

Those who are best acquainted with the remuneration

ration which commonly attends literary exertions, even when they are of a much higher class than the mere editing of a collection of Records, and making Indexes to, and Digests of them, may be inclined to consider that he who had the rare good fortune to receive £6,202. 5s. in less than five years (during which time, all that was given to the public in return was a single volume, the publication of one-third of the contents of which they had before the satisfaction of paying for), did not possess very strong claims to a *Reward* of £200 in addition; and, under all the circumstances, the said public, kind and indulgent as it is to all its functionaries, may consider that that donation was not only improper, but that it was an improvident application of the funds placed at the disposal of the Commission.

If “rewards” in addition to salaries and separate payments for Editorship, for Collation, for Digests, and for Indexes, are to be given, it is certainly right that they should commence with the only well edited volume the Commission has published; and perhaps the gift may have arisen from the *astonishment* of the Commissioners that a volume *could* possibly be produced, in which the records are correctly printed, and where good references are given to them. Whether the world may rate

the merits of an editor of records quite so highly is another question.

From the account of the Editor's plans which accompanies the Return, some instructive particulars are to be gleaned. After stating of what articles the new edition of the Rolls of Parliament is to consist, and from what repositories they are to be taken, the following passages occur :

“ For these services the Commissioners have contracted and agreed to pay the editor the annual *salary of £500*. In granting this allowance, it was fixed, to the intent that the *remuneration of the editor should be made up of a fixed salary, and of a remuneration varying according to the work performed*. The Commissioners also took into consideration the trouble and loss of *time which would be occasioned to the editor (who does not hold any situation in any Record Office)* by the dispersion of the materials, and by the difficulty and tediousness of the searches ; it being necessary that the rolls, &c. of each reign should be searched and perused from beginning to end ; nor is it in the power of the editor to obtain assistance from *any other person* in the performance of his task.

“ Upon the engagement of the editor, the Commissioners further contracted and agreed to pay him for transcripts to be made by him, or by such

persons as he might think fit to employ, after the following rates, *viz. eightpence per folio for ordinary Latin Records*, and *one shilling per folio for Norman French*, and any records, which from age or other circumstances, are more difficult in transcription. All such transcripts to be collated and verified by the editor. And the several transcripts appearing in his accounts (and of which transcripts lists have been done from time to time, and delivered to the Commissioners, specifying the number of folios of the several documents) were either made by himself or by the *Clerks in the Record Office in the Tower, working out of office-hours, and by several other persons engaged by him on his private account*. But from the time that the Commissioners agreed to pay the salaries of the several clerks, such clerks have, in addition to the work performed by them *in copying the abstracts and calendars*, made such transcripts as have been required, *and therefore no fresh expense has been occasioned to the public*. And the editor, in the volumes which have been published, has also given up *the charges for transcripts made by himself since the publication begun*. The *two* volumes of “Parliamentary Writs” thus contain upwards of twenty thousand folios, for which *no charge* has been made to the Commissioners.

“After the materials have been collected from the rolls and other records, it is the duty of the

editor to methodize, prepare, and arrange them for the press ; to reduce the ancient dates by feast days, &c. to the modern calculations ; to verify the names of persons and places, and to collate the printed sheets with the original records, and finally to revise the same ; for which he is paid after *the rate of two guineas per sheet* by the Commission ; and he also receives *one guinea per sheet* from the Commissioners by payment of his Majesty's printers, as corrector of the press.

“ Each sheet is collated twice by the editor with the original record, and afterwards corrected upon three or more successive revises by him ; such successive corrections being required in order to insure greater accuracy. Some sheets (particularly those containing the township returns, 9 Edw. II.) requiring as many as six or seven corrections.

“ Furthermore, it is the duty of the Editor to compile and prepare the several calendars, indexes, abstracts, and digests, which accompany the work, and to revise and correct the same, and to pass them completely through the press, and for which the Commissioners have contracted and agreed to pay him at the following rates, namely, *Calendars and Indexes at the rate of two pounds twelve shillings and sixpence per sheet, and the Chronological Abstracts and Digests after the rate of three pound per sheet.* The editor has been put to considerable

expenses *for historical and other books* required in the compilation of the work, and also in finding *office accommodation for the clerks employed, which expenses have not been repaid to him*; nor has he received any profit or advantage, either direct or indirect, except as appears on the face of this return."

On the original arrangement by which the Editor was paid for transcripts instead of retaining clerks with small salaries for making them, it must be remarked, that the sum allowed for those transcripts was at least *twice as much* as they might have been obtained for. Eightpence or a shilling for seventy-two words is too great a price for copying; and accurate transcripts from records may be obtained at even *a third* of the latter sum.* In one instance it is two thirds, and in the other exactly as much as is charged at the Tower for *office* copies for legal evidence, and which it has been before submitted, is much too high even for that purpose. The Editor says, the transcripts are in future to be made by three clerks, whose salaries vary from £120 to £50 per annum. Each of those clerks can easily copy

* It appears from another part of the Return, that the sum paid for transcripts for the new edition of the Chronicles was only *five* pence per folio.

forty folios a day, and allowing eighty days in a year for Sundays, and days on which from illness or other causes he does not attend, he will produce 11,400 folios a year.

It thus appears that what a copying clerk can produce for £120 per annum (taking the highest rate of salary), the Editor has been allowed £380 for (reckoning at the lowest rate, namely, eight pence per folio); but if the estimate be made at the highest rate, one shilling per folio, and at the average of the clerk's salaries, of £90, the difference will lie between that sum and £570.

It is further to be observed, with respect to the sums paid for the transcripts in the first volume of the "Parliamentary Writs," that of *one third* of the contents of that volume, *no transcripts were required*, and all which was necessary was to collate the sheets of the Appendix to the Peerage Reports in which they occur, with the originals, and to print from the copy so collated.

With relation to the *present* plan these remarks arise :

First :—That though the Editor of the "Parliamentary Writs" is paid £500 per annum as editor, he is paid separately for the labour which an editor usually performs.

Secondly :—That the allowances for making Abstracts, Calendars, Digests, and Indexes, for collat-

ing Proofs, and for "Methodizing" the materials, &c., are not only greater than they ought to be, but are unnecessary.

The plan upon which this, and all the other works ought to be conducted will be stated when the improvements, of which the Record Commission is susceptible, are noticed ; but there are other parts of the learned Editor's statement which cannot be passed over without comment.

He assumes merit "for not holding any situation in a Record Office," for having "given up the charges for transcripts made by himself since the publication begun, amounting to 20,000 folios ;" and for having "been put to considerable expense for historical and other books required in the compilation of the work, and in finding office accommodation for the clerks employed, which expenses have not been repaid to him, nor has he received any profit or advantage, either direct or indirect, except as appears on the face of this Return."

If that gentleman *did* hold "any situation in any Record Office," or indeed in any other Office, such situation must either be a complete sinecure, or it would so interfere with his duties as Editor of this work, as to render him an unfit person to conduct it. It is certain that most of the other editors do possess situations in Record Offices, which may partly explain why the "Parliamentary Writs" are

so much better edited than the other works ; but the conclusion is inevitable, that for one of the two or more duties, which the country pays those gentlemen, nothing whatever, or nothing in any degree proportionate to the remuneration, is done for their salaries.

If the Editor of the "Parliamentary Writs" has relinquished his claim to the payment of 20,000 folios, and been satisfied with the payment of only £2357 10s. for transcripts *besides* his salary of £500 a year and other emoluments from the "Parliamentary Writs," amounting in less than five years to £6202, instead of insisting upon twenty thousand eightpences, or twenty thousand shillings in addition, he is entitled to praise ; because he who is employed by negligent and improvident masters, has a legal, if not a moral right to all which he can make under them ; nor shall that praise be qualified by inquiring, whether the change which took place in the arrangements for the work, when he so generously relinquished that claim, is not so much more advantageous or convenient to him, as to counterbalance such a heavy sacrifice.

Another merit, which is insisted upon is, that historical books have been purchased which were not paid for by the Commission. Is the editor ignorant that when a labourer is employed, the employer is not expected to pay for the implements

of his labour? or does he forget that those books are always of a certain value, and may, though with some loss perhaps, be converted into money whenever he pleases? Moreover, does he not know that there are many writers, on Science and History, for whose researches a much more valuable library is necessary, who, instead of being paid above £1200 per annum for printing records and appending a few notes to them, have never made a shilling by their labours? Such remarks would therefore be too ridiculous for a reply were they not indicative of the opinion of the writer, that he had not been sufficiently rewarded. Of this nature also is the claim set up on the ground of finding office accommodation for his three clerks, that is, assigning a room in his house for the purpose.

The individual who, in an account of above £9000, charges £17 10s. for "portfolios and paper," as well as for similar trifles under the term of "other disbursements," is not likely to be credited for being a pecuniary sufferer in the cause of the public; and this Return when minutely examined is a very edifying document.

The sum paid for printing the "Parliamentary Writs" is startling.

The first volume has cost £2690 8s. 3d. and for two divisions of the second volume £3027 3s. 9d. being for the first volume *above* TEN GUINEAS *per*

sheet,* so that the printing, paper, and binding of *three* volumes has cost £8199 4s. 2d. and when to this the editor's bill of £9092 is added, each volume may be estimated at about £5765.

The following is the estimate for the future volumes: "On the average a part or volume of the same work will be completed in each year at an expense not exceeding £2000, and which sum includes editorship, collation, transcripts, clerks, stationary, and all incidental disbursements, printing excepted, which the King's printer states will probably be about £3000 per annum."

It is not said whether the printer's calculation includes paper, but assuming that it does, and judging of the future volumes by the second, each of the Divisions of the succeeding volumes will cost the country £5000; that is £5000 for the Records themselves, and £10,000 for mere Digests, Calendars of, and Indexes to them, forming in all £15,000!†

If the expectation thus held out be realized, the whole work, the extent being *guessed* at nine

* The printing of the *first* division of the second volume is about £7 8s. per sheet, and of the second division £5 18s. per sheet.

† In this calculation no notice is taken of a "Digest of Principal Matters of the reign of Edw. I. and II." which is to form a *volume by itself*, at an expense, it may be presumed, of £5000 more! See p. 106.

volumes, will be produced for £35,000 for the ensuing seven, which, added to the £17,291 which the first three volumes have cost, will form *the very trifling amount* of £52,291!

In considering whether *any work* is of sufficient importance to be purchased at so enormous an outlay at a time when the country is suffering heavily under financial embarrassments, let it be borne in mind, *that about one third of what has appeared in the first volume, and that some part of the second volume of this work have been before printed at the public expense, and that at this very moment a person is paid for completing an index to one part of the former edition of the Rolls of Parliament.*

THE FŒDERA.—A perusal of the preceding statements may possibly prevent surprise being felt at any abuse or extravagance with which the Record Commission can be charged; but prepared as the reader's mind must be, some astonishment may nevertheless be excited at finding all the previous traits of folly and improvidence cast into shade by the facts connected with the reprint of Rymer's "Fœdera."

The nature of the new edition and the reasons why it was unnecessary have been pointed out,* but the expense at which the second part of the second,

* See page 89.

and the two parts of the third, volume have been produced, remains to be stated: the return does not embrace the costs of the preceding volumes.

Vol. II. Part II. [592 pages.]

In hand from 1818 to 1821.

	£.	s.	d.	
Co-editors, Mr. Caley	630	0	0	
Mr. Bayley	579	6	0*	
Mr. Holbrooke	900	0	0	
	<hr/>			2109 6 0
Collator of Bulls	50	0	0	
Compiler of Index	39	7	6	
Paper	479	14	0	
Printing	1185	19	0	
Binding	281	5	0	
	<hr/>			2036 5 6
Total expense	<hr/>			£4145 11 6

Vol. III. Part I. [633 pages.]

In hand from December, 1821 to June 1825.

Co-editors, Mr. Caley	630	0	0	
Mr. Bayley	1562	9	6†	
Mr. Holbrooke	900	0	0	
	<hr/>			3092 9 6
Compiler of Index	52	10	0	
Engraver	59	11	0	
Paper	464	11	0	
Printing	1193	16	9	
Binding	281	5	0	
	<hr/>			2051 13 9
Total expense	<hr/>			£5144 3 3

* Of this sum £83 12s. was for transcripts.

† Of this sum £413 5s. was for transcripts.

Vol. III. Part II. [541 pages.]

In hand from June 1825 to 1829.

	£.	s.	d.	
Co-editors, Mr. Caley	840	0	0	
Mr. Bayley	2307	13	6*	
Mr. Holbrooke .	1200	0	0	
	<hr/>			4347 13 6
Printing	952	13	0	
Paper	378	10	6	
Binding	122	18	4	
	<hr/>			1454 1 10
Total expense	<hr/>			£5801 15 4
	<hr/>			

Thus, for the second part of one volume, and for the two parts of the third volume of a *new edition* of a common work in which the new matter does not form more than a third of the whole, the enormous sum of £15,091 10s. has been paid; but this extraordinary fact must be critically examined.

It appears that no less than *three* co-editors have been employed (one of whom furnished the new materials), besides a compiler of Indexes, and a collator of Bulls, being altogether *five* literary labourers.

For the second part of the second volume, containing 592 pages, the three co-editors were paid £2109; for the first part of the second volume, containing 633 pages £3092; whilst for the second part of that volume, which contains *only* 541 pages,

* Part of this sum was for transcripts.

these gentlemen have actually divided among them *four thousand three hundred and forty-seven pounds thirteen shillings and sixpence*.

In other words, it is evident that *three* individuals have been *nominally* employed in re-editing a work which was unnecessary, and for adding to the reprint only so much new matter as forms about one-third of the whole; that no more than a volume and a half has been produced in eleven years; that they have received in that time for editorial labour, not of the *highest class*, the unprecedented sum of £9549 9s.; and that for the last *four* years *three* persons have been employed on one *half of a volume* at the rate of £362 5s. per annum each.

That every thing might be consistent, the printing is charged at about *seven pounds ten shillings* per sheet, being *two pounds per sheet more than it ought* to be.

With the view of presenting the system which has prevailed in the Record Commission in its true colours, it is necessary to examine what were the *other* duties which the Editors of some of the works have had to perform at the *same moment* when they were so extravagantly paid for superintending the publication of these volumes.

Mr. Caley, whose name has been so frequently cited, claims precedence upon every ground. This

learned gentleman has, for the last ten years, nominally performed the following duties, and received the following salaries.

	£.
I. Keeper of the Chapter House, Westminster, at £400 per annum, besides FEES, the amount of which cannot be ascertained . . .	4,000
II. Keeper of the Augmentation Office, to which no salary is attached, but FEES are paid to the Keeper for inspection and copies of the records, the amount of which has not been ascertained	<i>Uncertain.</i>
III. Corrector and Revisor of ninety sheets of the General Index to the Statutes of the Realm in 1827	<i>No charge.</i>
IV. Co-editor of the Valor Ecclesiasticus and of the Index to that work	525
V. Co-editor of Rymer's Fœdera	2,100
VI. Co-editor of the Ducatus Lancastriæ	<i>No charge.</i>
VII. Co-editor of the Calendar of the Proceedings in Chancery	<i>No charge.</i>
VIII. Co-editor of the Calendar of the Inquisitiones Post Mortem	525
IX. Secretary to the Record Commission, at £210 per annum	2,100
X. For assistance and documents furnished to the Lords' Committees on the dignity of a Peer of the Realm	1,034
Total sum received from the public in ten years, independent of the emoluments arising from Fees as Keeper of the Chapter House and Keeper of the Augmentation Office	10,284

Now, though this sum would not be *very* extravagant if the services performed for it were rendered by him alone, yet when it is notorious that many of his appointments are absolute sinecures, that *one* and sometimes *two other persons* have also been paid for editing the *same* works of which he is a co-editor, it will be difficult to reconcile their payments with propriety, or to remove the suspicion that as Secretary to the Commission he has fixed himself upon the greater part of the works as co-editor, leaving the labour to his colleagues; for on no occasion does he, like the editor of the "Parliamentary Writs," appear in the character of *sole* editor.*

It is manifest that if all the duties he has undertaken to perform required time or care, no human being could fulfil them; and in pronouncing the proceeding a flagrant job, truth is not likely to be violated.

The next gentleman whose name figures con-

* Mr. Caley has moreover, during that period, been one of the editors of the new edition of the *Monasticon*, which, though a private publication, must have occupied some share of his time, since it is not probable that the whole labour devolved on his colleagues, who like himself had other public duties to perform, one being the Keeper of the Manuscripts in the British Museum, and the other being the Principal Librarian of the Bodleian Library.

spicuously in this Return is Mr. Bayley, and it will be prudent to subject his various public employments to a similar examination.

£. s. d.

I. Chief Clerk in the Tower, at a salary of £250 per annum, <i>independent</i> of the profits arising from the 10 per cent. which he receives on all fees paid to the Keeper, as managing clerk; and <i>independent</i> of the advantages which that situation affords him as law agent in searching for records	2,500	0	0
II. As co-editor of the <i>Fœdera</i>	4,465	0	0
III. As co-editor of the <i>Inquisitiones Post Mortem</i>	1,489	1	6
IV. As co-editor of the Calendar to the Proceedings in Chancery	2,730	0	10
Total.....	£11,184	2	4

Now when the chief Clerk and managing Clerk in the principal Record Office in England is able to be a *co-editor* of *three* works at the same moment, *besides* attending to an extensive *private practice*, there is nothing disrespectful to him in supposing that his official duties are very light, or in saying that his time ought to be occupied in arranging and calendaring muniments in the office to which he belongs, when his attention is not engaged by other official claims; hence it may be inferred, that the very circumstance of his holding

the situation of Clerk in a Record Office disqualifies him for any other appointment, a position which applies with greater force to his brother co-editor Mr. Caley, because that gentleman is *Keeper* of *two* repositories of Records, and Secretary to the Commission. The naked fact, however, that in *ten years* the chief Clerk in the Tower has been paid *eight thousand six hundred and eighty-four pounds* for *other* employments under the Crown, is sufficient to prove that the system is full of abuses; and whilst the muniments of the country are concealed from the public unless heavy fees are paid for consulting them, and whilst the records are not properly calendared, and in some places have never even been inspected, those whom the country pays for taking care of them are able to make their offices such complete sinecures as in one case to be paid *eight thousand six hundred and eighty-four pounds*, for editing works under the Record Commission, besides enjoying a lucrative private practice as a law agent; and in another case to be paid *six thousand two hundred and eighty-four pounds* for services to that Commission, or to the Lords' Committees on the Dignity of a Peer of the Realm.

A criterion exists by which to judge of the interest that is felt by the public generally in the publications of the Record Commission,

in the amount of the copies which have been sold; but this criterion ought not to be implicitly relied on, because the number of persons who are so much interested in Antiquarian literature as to desire to possess such works, is very limited, and because the books are presented to most public libraries, where they may be consulted. Still the sale may be allowed to prove whether the country at large benefits to a sufficient extent by the Commission to justify the immense sums which it has expended.

If the inference be that the country does not do so, the necessity of rigid economy in the production of such works is the more evident; and the fair use to be made of this argument is, to shew that by a different system the money which has been voted to the Commission might have produced results of the highest importance to the community.

The following Return, dated in July 1825, was the last made to the House of Commons relative to the sale of the Works of the Commission :

Of the STATUTES OF THE REALM 500 copies are printed, of which number about 180 have been given away, and *forty* were delivered to booksellers for sale.

Of the Catalogue of the LANSDOWNE Manuscripts 1000 were printed, 205 were given away, and *twenty-eight* were sent to booksellers for sale.

Of the VALOR ECCLESIASTICUS 1000 were printed, 184

were given away, and *twenty-eight* were sent to booksellers for sale.

Of the *FEDERA* 500 were printed, 173 were given away, and *thirty* were delivered to booksellers for sale.

Of the *CALENDAR TO THE INQUISITIONES POST MORTEM* 1000 are printed, 175 were given away, and *thirty-six* were sent to booksellers for sale.

The number actually sold of either work has not however been ascertained.

Of the other publications which have been mentioned it would be unjust to take any notice, because they have not been printed for any length of time; but the fact is unquestionable that there is a very limited sale for books of this class, for which indeed the price charged for them is of itself sufficient to account, since a complete set could not be purchased for less than £160, though, as appears from the Return, several hundred copies of each work are lying in warehouses.

MATERIALS FOR A HISTORY OF BRITAIN FROM THE EARLIEST PERIOD TO THE ACCESSION OF HENRY VIII.—In an historical point of view, the most important book undertaken by the Commission is the new edition of the *Chronicles* under the superintendence of Mr. Petrie and Mr. Sharpe. As no part of this work has yet appeared, it is impossible to say more on the subject than to repeat what is stated in an official Return.

“The first portion reaching to the year 1066 will

make five volumes. Two of these are ready for press immediately. The printing and paper for an edition *in folio* of 750 copies, the number at present ordered by the Board will cost about £1350 per volume: on the supposition that each volume will contain 1000 pages, the work it is conceived cannot be contained in less than from twenty to twenty-five volumes. With respect to the expenses of the editorship, Mr. Petrie and Mr. Sharpe, to whom this publication is entrusted, state their inability to set forth the probable amount before the first portion be completed, and they decline accepting any remuneration until that period arrives: neither are they able to state with certainty the length of time which the work will require to its completion; not less than one year however will be requisite for each volume."

It is sincerely to be hoped that this work will not be published in a larger size than *quarto*, if it be intended to be *bought* or *read*; and if, as is threatened, it is to appear in *folio*, the want of judgment which selected that form cannot be too much lamented.

The unbusiness-like and unsatisfactory plan of not fixing upon the expenses for editorship in the first instance, will probably lead to future misunderstandings: but though the editors decline payment in reward of their labours until the comple-

tion of the first portion, it is not to be forgotten that one of the editors enjoys the comfortable sinecure of Keeper of the Records in the Tower, of which the salary is £500 per annum, with fees amounting to nearly twice that sum, and that £3702 have already been paid towards the work for the purchase of books, for stationery, transcripts, collation, travelling expenses, &c.

Of that sum £875 were to a gentleman for his assistance on the Saxon laws, and about £500 to two other persons for assistance on the Welsh laws. Two sums were however paid which, though small in amount, are strikingly corroborative of the impropriety of fees being demanded for using the public muniments for literary purposes, since the editors of a national work, undertaken and paid for by the Government, were *charged* for collating a manuscript at the Exchequer!

Of the proceedings of the Commission for the preservation of the Records in Ireland and Scotland nothing will be said, because the Returns do not afford sufficient information for the purpose. The subject, especially with reference to Ireland, is however highly deserving of consideration, and as the system which has prevailed for thirty years in England is at length brought to the notice of the public, attention may perhaps be directed to it in the sister countries.

The labour of forming from the confused and ill digested Parliamentary Returns relative to the Record Commission a condensed account of the expenses of each work, can only be estimated by those who will inspect them, and it is difficult indeed to avoid mistakes. For example, Mr. Bayley's bill for the "Fœdera" consists of numerous items, varying in amount from 10*s.* 6*d.* to £150 each, and are mixed up with the payments to his two colleagues, there being in no instance a sum total of any allowance for literary labour. The Return itself is however extensively distributed, and if extreme anxiety to avoid errors in this work has not always been successful, the facility with which they may be detected renders an antidote to the injury of easy attainment, and must prevent the suspicion of *wilfully intending* to mislead.*

* In consequence of the Editor of the "Parliamentary Writs" having learnt that he would, in common with the other persons who have been employed by the Record Commission, be commented upon in this work, he addressed several letters to the author on the subject. It is not necessary, on this occasion, to allude to the correspondence which took place, farther than to observe, that an offer was made that gentleman to peruse the sheets in which he is alluded to, *before they were published*, and that if he pointed out any *mis-statement of a fact*, the passage should be cancelled. *This offer he DECLINED.*

CHAPTER VII.

CAUSES OF THE MISMANAGEMENT OF THE RECORD
COMMISSION.

SERIOUS as have been the errors of the Record Commission, the cause is the most simple that can be imagined. If an object be entrusted to persons who are wholly incapable of directing the measures necessary to accomplish it, from having other claims upon their time, or from being unacquainted with, and indifferent to, the subjects to which it relates, the only results that can be expected are an improvident expenditure of the money appropriated to the purpose, and a perpetuation of the abuses which it was their paramount duty to remove. The following are the names of the Commissioners appointed on the last occasion, in April 1825 :

The First Lord of the Treasury,
 The Three Secretaries of State,
 The Speaker of the House of Commons,
 The Chancellor of the Exchequer,
 The Master of the Rolls,
 The Lord Advocate of Scotland,

The Lord Register of Scotland,
Earl Spencer,
The Earl of Aberdeen,
Viscount Sidmouth,
William Bishop of London [now Archbishop of
Canterbury],
Herbert Bishop of Peterborough,
William Bishop of Landaff [now Bishop of Dur-
ham],
Lord Grenville,
Lord Redesdale [*dead*],
Lord Colchester [*dead*],
Right Hon. Thomas Grenville,
Right Hon. Charles Bathurst,
Right Hon. William Wickham,
Right Hon. Charles Watkin Williams Wynn,
Right Hon. Sir James Mackintosh,
Richard Heber, Esq.

From which of these personages could that His-
torical and Antiquarian* knowledge be looked for,
which every one of common sense must admit is

* Most truly does a writer in the last number of the Quar-
terly Review observe:—"The British Government, with a
culpable indifference to the best interests of their country,
have kept out of every board *the only men* who were quali-
fied to fill them, and with false views of economy have de-
volved them on the gratuitous management of our nobility

indispensably necessary to direct and superintend the arrangement and publication of Historical and Antiquarian documents? Which of them could be expected to visit the various repositories, to examine their contents, their condition, the rules by which they are governed, to ascertain whether those rules did not operate to the prejudice of Historical and Legal investigations, and whether such investigations would not be promoted in a far greater degree by changing the regulations of Record Offices, than by the existence of fifty Commissions, or the expenditure of twice £300,000? If even *one* of those Commissioners had been thoroughly conversant with his duties, and animated by proper zeal, the Commission would not have been so heavy an expense to the country; and efforts would doubtless have been made to lessen the costs of, and improve the books printed by its authority, even were he not possessed of sufficient discernment to perceive, that by printing any thing until the more important points were gained, the Commission was

and gentry." How precisely similar in absurdity to the selection made for the Record Commission, was the selection of Commissioners for improving the Scottish Universities, "in which Commission, with a fatality characteristic of a government which knows little and cares less about the interests of philosophy, there is not a single man of science!"

proceeding at the wrong end, and was in fact doing, in many cases, that which must one day be redone.

But, ascribing to each of the Commissioners, for argument's sake, all the necessary acquirements, and the requisite zeal for the proper fulfilment of his functions, which of them could spare even the smallest portion of his time for the purpose? Is it possible that the First Lord of the Treasury, or either of the three Secretaries of State, the Speaker of the House of Commons, the Chancellor of the Exchequer, the Master of the Rolls, the Lord Register or Advocate of Scotland, or the Attorney or Solicitor General, could attend to the arrangement, preservation, and more convenient use of Historical documents?

Nor was this to be expected from either of the three Prelates, two Earls, the Viscount, three Barons, five Privy Councillors, or even from the then Member of the University of Oxford, whether their avocations, their taste, or their acquirement be considered. In that list, with the exception of Sir James Mackintosh, who was not added to the Commission until 1825, there is not the name of a single writer who is known to the world by his literary reputation, or his connexion with History, much less for his intimate acquaintance with the

materials from which it should be composed : nor is there one who had any knowledge of the nature of Records, or the state of the Offices in which they are preserved, excepting perhaps the late Lord Colchester ; yet to such a body has the expenditure of a quarter of a million of the public money been entrusted ! The Secretary of the Commission was the individual to whom alone the Commissioners looked for information, and as he was the Keeper of two Record Offices, his knowledge of the subject was, of course, presumed to be abundant ; not because he had, even on one single occasion, like Madox and Prynne, evinced that knowledge by his works, but because he *ought* to have possessed it. By that gentleman, however, a great part of the proceedings of the Commission appear to have been suggested, and in fact conducted ; and with what relative success to himself and to the public has been already pointed out.

Under such auspices the Commission commenced its labours, and, as it was formed among other objects for the “ publication of certain of the more ancient and valuable Records,” publish of course it did.

The first thing, however, that ought to have been done, was to ascertain the contents of each Repository, and to have caused accurate Calendars to be

compiled. Instead of this, some of the wretchedly imperfect Calendars which were found in the Office in the Tower were printed forthwith, and to this hour better Calendars have not been made. The Records remain therefore, in most cases, in precisely the same state as in 1801, when the first Commission was issued, excepting that many thousand pounds have been spent on perpetuating *in print* Catalogues which were a disgrace to the Offices in which they were found, even *in manuscript*.

It may be said that the publication of Calendars of Records, which are by no means of *general* utility, should have been the *last*, instead of the *first* measure of the Commission, because the primary intentions of forming such a Commission ought to have been to *make Calendars to Records*, and to allow the public *gratuitous access to them*. In this case, the formation of perfect Calendars for the use of the public in the offices themselves would have superseded the *immediate* necessity of printing them, since the persons who are interested in those inquiries might then go to the places containing them as easily as to the British Museum.

The Commission was established "for the better arrangement, preservation, and more convenient use of Records;" but unless, "by more convenient

use," it were intended to allow the public *gratuitous access* to what were to be thus "better arranged and preserved," the formation of the Commission was improper; for what is the utility of arranging or preserving Records when they can only be approached by the payment of a tax, which, for all purposes of literature, acts as a prohibition, and which, with respect to legal claims, is a serious impediment to justice?

But as the Government, in many cases, pays salaries to Record Keepers and their Clerks, besides permitting imposts to be levied upon the Public as well as upon the Government itself for the use of the documents in their custody; surely, if the prohibitory system is to prevail for ever, these Keepers ought themselves to arrange and preserve that from which they alone derive all the advantages. Nor was it less absurd to print imperfect Calendars to Records, which the public are almost prohibited from consulting, because those Calendars, even if they do not mislead, always tantalize the inquirer, since he finds enough in them to excite his curiosity, without allowing him the means of gratifying it; or to excite doubts as to what he previously knew without his being able to solve them, unless indeed *he pays for* the information. It is submitted, therefore, that if it were intended

ultimately to throw the Records open, perfect Manuscript Calendars in each office would have superseded the necessity of printing any Calendars *until* more important Historical materials were published ; and that if it were not intended to open the Records to the Public, the imperfect Calendars which have been printed serve only as direction posts to a road which cannot be approached without paying an exorbitant toll : hence, the principal effect of laying out many thousand pounds on these Calendars is to increase the fees of the Record Keepers.

The only exception to these remarks, as to the impropriety of printing the volumes which have been published by the Record Commission, until more useful objects were accomplished, are the Catalogues of the Manuscripts in the British Museum, because their contents are of so miscellaneous a nature, that a manuscript Catalogue would not be sufficient ; and the Statutes of the Realm, because a complete collection of the laws of the country was desirable, even though it closes with the reign of Queen Anne.

The money which the volumes published by the Record Commission have cost is much more than would be requisite to pay for arranging, and making calendars, of the contents of all the Record Offices in the metropolis, provided that proper

economy were used ; and let the effect be compared with the trifling benefit which the same sum and the labour of thirty years have produced.

Nearly every thing remains to be done that is worth doing ; and it may be said, without fear of contradiction, that the Commission, after having existed for thirty years, and expended £260,000, has left the History of this country very nearly in the same state as it found it ; nor has it produced the slightest improvement in the arrangement or the regulations of Record Offices. Unfortunate as have been the objects to which the Commission has directed its attention, and imperfectly as those objects, injudicious as they were, have been executed, the persons selected to perform them, and the rate as well as the mode in which they were in most cases remunerated, were still less indicative of judgment. Estimating the merit of an editor by the same standard of excellence as that by which the brother of the Dutch Poet of Smollet valued his relation's verses, the Commission paid for each volume by the sheet, and allowed in some cases no less than four or five persons to be employed on the same work, under the names of co-editors, transcribers, collators, and index makers, each of whom was separately paid for his labours PER SHEET. The effect of this plan has been shown

by the prices which the different works have cost ; and the sum paid for editing the last half volume of the “*Fœdera*,” consisting of only 541 folio pages, and being little more than a reprint, with some additional documents, *has been at least twice as much as all the Historical and Antiquarian writers of this country, including County Historians, have received in the same period, if the sums paid to each in remuneration of his labours were added together !*

But the improvidence of paying five persons at least six times more than was necessary is not the only part of the arrangement which is censurable, for some of those individuals ought to have bestowed all the attention necessary for producing these books without a shilling from the funds at the disposal of the Commission. Mr. Caley, for instance, was Keeper of the Office in which the “*Valor Ecclesiasticus*,” as well as some of the other records, of which Calendars have been printed, are preserved, and for the duties of which he is paid £400 per annum, besides fees, with an allowance for Clerks. Now, what are the duties of Keeper of a Record Office and of the Clerks, if compiling Calendars (and should the government think proper to print them, superintending the press) does not form part of those duties ? That he does not pay for the charges necessary for preserving the documents in his cus-

tody is certain, because in 1829 no less than £450 were paid by the Commission for "repairing and securing original Records;" and if he be not expected to make Calendars for his salary, the inference is unavoidable that he does nothing whatever for it.* But a circumstance occurred with respect to the Chapter House, of which that gentleman is the Keeper, which is more flagrant than any that has been stated, and which alone would be sufficient to shew the incompetency of the Record Commission. It has been already said that the Keeper of that repository receives £400; that he is allowed £450 for four Clerks; and that the latter attend only for three hours a day. A few years since the Commission ordered the contents of the Chapter House to be examined, and a sort of general Catalogue to be made, but instead of directing the Keeper and his Clerks to perform this task, three *other* individuals were selected, who were paid by the Commission for their labours, that is, for doing that which ought to have been done by those whom the country was paying £950 per annum. This Calendar is the only one which the Commission has caused to be compiled, and the reason

* It would form a curious statement if a Return were made of the number of times which the Keeper of the Chapter House has visited his Office in the last two years, specifying the number of *minutes* he remained on each occasion.

why the Chapter House was selected was probably this : The Keeper, whose chance of fees is much increased by ascertaining the nature of any part of the records in his office, was *Secretary* to the Commission.

It is not, however, Keepers of Records alone who are thus paid twice for performing their duty, for even the clerks are similarly favored. Mr. Bayley has received in ten years £8684 for copying and superintending the printing of some of the records in the office of which he is a clerk with a salary of £250. If his official duties enable him to do so, it ought to be done without his having any additional remuneration, because he receives his salary from the public, and it was for the public service that those works were printed. The fact, however, when plainly stated, stands thus. A government servant receives a salary of £250 per annum, but whenever the government requires any services in return, the country has to pay him for literary labour of the lowest class at a higher rate than is paid by any private individual for literary labour of the most important description. For every seventy-two words furnished by the said clerk to the government, whether for the works published by its command, or for any other purpose, one shilling is paid by the country. Why the public should expend £1440 per

annum for keeping an establishment of servants, and pay besides an enormous sum to those servants for their labours, and for permission to use the documents which it entrusts to them is not easily explained. The amount paid by the Treasury to Record Offices whenever the Crown has had occasion to produce records in a Court of Law, will best illustrate the effect of this system upon the public purse.

From the preceding remarks the following inferences may be drawn :

First, That every sheet printed by the Record Commission ought to have been furnished without any charge whatever, in cases when it was copied from Offices of which the Keeper and his Clerks are paid by the Crown, and the sum which would have been thus saved may be estimated on the lowest calculation at £50,000.

Secondly, That to employ more than one person as editor, and one or two persons as clerks upon one work, and to pay for any kind of literary labour, excepting as salaries to editors and clerks, was a waste of money.

CHAPTER VIII.

SUGGESTIONS FOR THE FORMATION OF A NEW RECORD COMMISSION, AND FOR A CHANGE IN THE REGULATIONS AND SYSTEM OF RECORD OFFICES.

THE errors committed by the late Record Commission, their causes, and consequences, having been stated, it is desirable to point out the proper measures to be adopted by a new Commission, and to suggest of what class of persons it ought to be composed.

In the present state of the finances of the country it is perhaps doubtful whether the same funds will be placed at the disposal of any future Commission, and unless it be formed of very different elements from the last, Parliament ought not to grant one farthing for the purpose. It may, however, be hoped that the public muniments will be considered of sufficient importance to induce the government to nominate an *effective* Commission, formed of persons able and zealous to execute their duties, and that the selection will be so judicious as to justify Parliament in giving them its confi-

dence by entrusting to them the same resources as to the former Commission.

It might prejudice the objects which it is the purport of these observations to promote were it to be contended that the Commission ought to consist of practical persons *only*, and that the great names of which alone the last was composed should be excluded. Mr. Burke happily termed individuals of rank, "the Corinthian capital of the great column of society," and if the metaphor be extended to all public bodies, and applied to the Record Commission, it may be suggested that the last pillar was *all* ornament and decoration, without strength or solidity, and, consequently, that it was unfit for the purposes for which it was raised. Though the new erection may have a capital as beautiful as the warmest admirers of the Corinthian Order can desire, yet its shaft, base, and pedestal should be formed of materials of sufficient solidity to bear the weight which it will be intended to support.

But if every one of the late Commissioners was re-appointed, and a few active and well informed persons, who have proved their fitness for the situation, were joined with them, every proper object would be attained. The late Commissioners erred from negligence and ignorance, and not from inten-

tion; and it may be expected that they would willingly assent to such judicious and proper measures as might be suggested by their more able colleagues. The Secretary of State for the Home Department, who was a Commissioner *ex officio*, would probably be selected, and properly so; whilst the present Speaker of the House of Commons would from his zeal to promote historical literature be highly eligible.

Though Prelates may not appear at first sight very necessary to such a Commission, it is desirable that the Archbishop of Canterbury, at least, should belong to it, because it may be necessary to interfere with records which are preserved in Ecclesiastical Offices.

The chief difficulty in finding individuals who are qualified for the duties of a Record Commissioner is, that no salary is attached to the situation, and it may be presumed that few persons would gratuitously give their time to the subject. This is but a weak apology for entrusting a large sum of the public money to a Commission of which not a single member was properly qualified, for it would be far better to pay one or two persons for seeing that the objects were judiciously and economically accomplished, than to allow a body of unpaid Commissioners to expend £7000

per annum in a useless and extravagant manner. It is however extremely probable that a sufficient number of individuals, whose studies and acquirements peculiarly adapt them for the appointment, may be found, whose zeal to promote Historical knowledge would induce them to accept the situation of a Commissioner, without seeking a pecuniary remuneration for their services.

But under any circumstances, properly qualified Commissioners ought to be found, or the Commission should not exist, and even had two such persons been paid a handsome salary during the last thirty years, the country would nevertheless have saved very many thousand pounds.

Most extensive powers over every Office of Record ought to be given to the new Commissioners, and the Keeper of, as well as every Clerk in each repository, should be under their directions. They should be authorized to make any alteration in the constitution and contents, in the hours and days of attendance, and more especially, in the FEES of Record Offices which they might think advisable ; but, *above all, they should be commanded to adopt the most eligible and speedy plan for affording GRATUITOUS ACCESS TO THE PUBLIC MUNIMENTS, consistent with their safety.*

From the moment when a new Commission may

be formed, its energies ought to be directed to the following objects :—

To ascertain the contents of each Repository of Public Muniments in the metropolis, and to make careful Catalogues of such documents as may be brought to light, as well as of such as are at present unindexed.

To these objects the money voted by Parliament ought for some time to be rigidly confined, and if properly applied, it would in a few years produce accurate Calendars, provided that the present Keepers and their Clerks were compelled to do their duty, by assisting for seven hours a day in their formation.

Until perfect Calendars were made the whole of the publications of the Commission should be suspended; and the only sub-commissioner who ought to be allowed to proceed in preparing manuscripts for press is Mr. Petrie, for his new edition of the Chronicles. With the exception of an allowance to him and his clerks, the £7000 per annum should be expended in salaries to persons for sorting the huge masses of records which are now lying unheeded in various repositories, and in making catalogues of their contents. When this most important object was fully and satisfactorily

accomplished, it would be the proper time to think of *printing, but not until then*. With common diligence and zeal all which is necessary might be accomplished in seven years, at an expense of about £30,000; but in making this calculation it is presumed that power would be given to the Commissioners to oblige the present Clerks, when not otherwise officially occupied, to assist.

As there are, or ought to be, since the Keeper is allowed salaries for them, four Clerks in the Chapter House, Westminster, no additional assistance would be needed in that Repository, provided they were employed seven, instead, as at present, three hours each day.

In the Tower, also, very trifling additional aid would be required, if the present Clerks devoted every moment of their time when in the Office to their *public duties alone*, for which purpose their private practice, &c. must of course be abandoned, so that for six hours a day they might be *bona fide* and not merely *titular* clerks. The additional persons whom it would be requisite to employ are necessary for such Repositories as are now in a state of confusion, of which that of the King's Treasurer's Remembrancer's is a striking example, both from the value of its contents and their condition.

Such are the principal points to which the attention of a Record Commission ought in future to be, and should always have been directed, because common sense dictates that it is absurd to print before proper materials for printing are collected.

Though £2000 might with the greatest possible advantage to the public and to Historical literature be annually expended in collecting and printing materials for History, *at the same time* that the records were being arranged and catalogued, yet of the two measures, the latter is by far the most material. To effect both at once seems, from the present system of economy, to be out of the question, and all which can be reasonably asked of the Government to effect every thing which can be desired, may be thus briefly stated :

- I. To appoint a new Commission for the better arrangement and preservation of the Public Records, containing among its members at least two persons whose Historical knowledge, zeal, and practical information, peculiarly qualify them to superintend in person the measures undertaken by the Commission.
- II. To continue to place at the disposal of the

Commission an annual sum not exceeding £7000.

III. To vest in the Commission the fullest power over all Offices of Public Records and the persons belonging to them.

IV. Not to fill any vacancy, as a *permanent* appointment, which may happen of Keeper of a Record Office, with the view of preventing any claims of "vested interests" interfering with such arrangements as may ultimately be found advisable.

V. TO ALLOW GRATUITOUS ACCESS TO PUBLIC RECORDS OF EVERY DESCRIPTION, subject to such regulations as may secure their integrity as legal evidence.

CHAPTER IX.

IMPORTANCE OF RECORDS TO HISTORIANS.—NECESSITY OF
ALLOWING GRATUITOUS ACCESS TO RECORD OFFICES.

THERE is something ridiculous in attempting to prove that Historical knowledge cannot advance if the only authentic sources be concealed ; but as the principle, obvious as it undoubtedly is, has not been acted upon in this country, some remarks are necessary to place the subject in its proper light.

It would be as rational to expect that Science could be successfully studied under a Government which prohibited the use of telescopes, and other philosophical instruments, without paying a heavy tax on each occasion, as to suppose that a History of England, deserving of the name, can be written so long as Historians are prevented from having *gratuitous access* to those materials of which *alone* it can be formed.

That the Government is desirous of encouraging the study of English History is manifest, because, besides supporting the repositories which contain

the public muniments, at an annual expense of about three thousand per annum, it has allowed a quarter of a million to be spent on the "better arrangement, preservation, and publication of records," yet, with inconceivable inconsistency, no person is permitted to use the muniments, for the conservation and arrangement of which the public has been thus severely taxed, without an imposition which acts as a complete prohibition to their being rendered of the slightest use in elucidation of History.

Let it be supposed for a single moment that the same system prevailed with respect to the British Museum, would it not immediately cease to be of any service to literature? The contents of that establishment and of the Record Offices are alike the property of the public, and the public pay for the support of each; hence the public have an unquestionable right to the use of their contents, subject to such regulations as may preserve them from being stolen, vitiated, or damaged.

Here the question arises what those regulations should be; and as the Public Records are legal evidence, it is of great importance that the integrity of their character should be carefully secured. Upon this the following Observations have recently been made:—

“ Public documents, which are useful to the community either as promoting the ends of justice or as illustrative of history, being in every instance public property, ought to be accessible to the public WITHOUT ANY CHARGE WHATEVER. The keepers and clerks should, as is now the case in two offices, be paid by the Crown; and as moderate fees might be allowed for attested office copies, and for attending a court of justice with a record, these salaries need not be higher than those in the Tower. One or two clerks should be in attendance to produce any document that may be asked for, and to be present when the applicants are extracting or copying whatever they think proper. Two clerks for this purpose would be sufficient, because the number of applicants is not likely to be great; and admitting that they were six *per diem*, the presence of one person would be sufficient to prevent the documents being injured, whilst the other might be occasionally absent in searching for and producing the records required. Improper conduct in the visitors should be attended with expulsion, and any unwillingness to aid researches, or incivility either of expression or in manners on the part of the clerks, ought to lead to their dismissal. This arrangement should be universal in every office of public records in the

metropolis, and the only possible objection which can arise is, that the records are legal evidence; that promiscuous access to them might affect their value in that point of view, since the keepers, it is said, could not so well vouch for their purity; and that the present keepers have a vested interest in them.

“ These objections will be considered seriatim.

“ It seems difficult to explain, how a hundred people, being allowed to peruse or copy a record, could affect its authenticity in a greater degree than if ten did so, provided that no erasures or interpolations were made in it by the copyist. All that the courts require is, that a record be produced from the proper custody; but it is competent for the judge to determine, how far it is to be received as evidence, if any interpolation appears on it. A parish register, for example, is good legal evidence; but if, as sometimes happens, a forgery has been made in it, the entry is rejected. The fact of a record being in proper custody, would not render any erasure or addition, which the enemies to this arrangement may urge as likely to occur from general access, valid, nor would such interpolations vitiate the record itself.

“ That every possible care should be taken to prevent records from being destroyed or interpo-

lated, is readily admitted, and the only question is, whether that care is not perfectly consistent with the free access contended for. The constant presence of a sworn officer of the office appears a sufficient protection ; but there can be no objection to some certificate or proof of character being necessary before admission is granted, in the same manner as at the British Museum.

“ The third objection, that the present Record Keepers have a ‘ vested interest’ in these abuses may be easily met. That doctrine has long been the panoply of every corrupt practice, and every extortion which disgrace this country. But if this objection be valid against a change in the manner of keeping records, so ought it to be against improving the laws, for every attorney and every counsel has a ‘ vested interest’ in their present state. There are, however, means of overcoming the difficulties in this instance: fortunately, nearly all the keepers of records are old men, and if the existing system expired with them, the change would not be very distant ; or, if the improvement took place immediately, and moderate salaries were allowed instead of fees, excepting for attendance in court and for office copies, it would not amount to a very large sum, if the loss which the keepers might sustain were made up by

a proportionate addition to their incomes during their lives.”*

To these remarks it is only requisite to add a suggestion, which is calculated to remove all fear of even the *possibility* of injuring a document whilst transcribing it by throwing ink over, or writing upon, the original. *It might be a standing rule, that every extract from, or copy of, a record should be made with a PENCIL only.*

The necessity of allowing *gratuitous access* to the public muniments, if it be wished to render the History of our country as accurate and satisfactory as it is now incorrect and deficient, must be too obvious to require to be proved by argument, or supported by facts. An instance however has lately occurred, which so satisfactorily shews the *impossibility* of writing History without access to records, even when the instrument itself has been printed, that it will be stated.

The pretensions of Henry the Seventh to the throne were lately the subject of investigation, and as he claimed to represent the House of Lancaster, his descent from John of Gaunt was the chief object of attention. Henry's pedigree, as heir, through his mother, of John Beaufort Earl of Somerset, the eldest son of John of Gaunt by Katherine Swynford, is well known; but the doubt was

* Westminster Review for April 1829, pp. 401—403.

how far the patent of legitimation, which was granted to the said Earl of Somerset and his brothers and sisters, by Richard the Second, and which was ratified by Parliament, rendered them capable of inheriting, or rather to what extent it removed, the effect of their illegitimate birth?

That instrument has been printed in several works; among others, in Rymer's *Fœdera*, in Buck's History of Richard the Third, in both editions of Sandford's Genealogical History, and in the Rolls of Parliament; but this material variation was found between them: a special exception was introduced into some copies against that patent conferring a right to the Royal Dignity, and though they agreed verbatim in all other respects, yet in the copy in the "*Fœdera*" and in the second edition of Sandford's Genealogical History, after the passage granting a right to enjoy all dignities, honors, &c., the words "*excepta dignitate Regali*" occurred; and to increase the difficulty, every printed copy of the confirmation by Henry the Fourth of the patent to the said Earl of Somerset contains the exception.

Upon the existence or non-existence of these words depended whether Henry the Seventh did or did not possess the claims which the House of Lancaster pretended to the throne, and as all our

historians concur in stating that the exception in the patent of legitimation to his ancestor destroyed any such right, the point was of much importance. The only means of settling it, was by referring to the *original* Patent Rolls and to the *original* Rolls of Parliament. They were accordingly examined, when the fact proved to be that the exception did not occur on the Rolls of Parliament; that it was inserted subsequently to the grant, and as an interlineation, on the Patent Rolls; and that it is introduced as part of the original instrument in the confirmation from Henry the Fourth.

This circumstance may be thus explained: The grant, as it was originally made by Richard the Second, legitimized John of Gaunt's issue by Katherine Swynford for all purposes whatever, and in this state it was recognized and made a law by Parliament; but when Henry the Fourth succeeded to the Crown, the pretensions to the throne which the grant conferred upon his half-brothers, (even if it did not give them a superior title to his own, supposing they were born before him), induced him to assume the right of altering his predecessor's grant. A new patent in the amended state was forced upon the Earl of Somerset and his brothers; but in consequence of the previous patent having been hitherto printed as if the ex-

ception always formed part of it, the special reservation against a right to the royal dignity has been considered an insuperable bar to Henry the Seventh's pretensions by descent.

The fact is however immediately the reverse, for without inquiring whether a clause which occurs as an interlineation on the Patent Rolls, has any legal effect, the operative grant is that which was made a law by Parliament; and as the exception does not form part of it, Henry, or rather his mother, was, as he pretended, the legal representative of the House of Lancaster.

This example of the necessity of seeing *original* records is selected from many which might be adduced; and the different position in which the result of the examination has placed a material point of History, tends to prove the impossibility of prosecuting historical inquiries without the same free and unembarrassed access to all the public muniments as is permitted to the manuscripts in the British Museum.

The individual who was interested in this inquiry obtained the solution of his doubts, at no other sacrifice than incurring a *personal favor*; but ought a person who wishes to clear up disputed Historical questions to be obliged to seek as a *personal obligation* that which should be open

to him as a matter of right? Had the individual who sought this information not obtained it as a personal favor, the charge for "taking down" and copying the three instruments *would have been above five pounds*; and this in an establishment supported by the public at an expense of £1440 per annum.

The preceding remarks will, it is hoped, prove:

- I. That it is impossible to prosecute researches in a manner likely to conduce to a proper knowledge of English History, unless GRATUITOUS ACCESS be afforded to the public muniments on the same liberal plan as in the British Museum.
- II. That the public have a right to expect such access.
- III. That Records may be so consulted without the least danger to their safety or integrity.
- IV. That by the adoption of a judicious and general system with respect to Records, the public might obtain access to every muniment, without the slightest additional expense to the country.

There is reason to believe that the present Administration, which contains among its members several persons who have distinguished themselves by their love of science, their patronage of useful

knowledge, and their Historical and other works, will do every thing in its power to promote Historical literature, consistent with the safety of the public muniments, and with the necessary attention to expense. It is confidently affirmed that the objects advocated in these Observations would neither produce any additional burthen to the country, nor endanger the security of records; and as the advantage which would accrue to the community as well as to literature by granting them, cannot be denied, it is impossible to suppose that the existing illiberal and injurious system will be allowed to continue after its abuses are exposed.

The boon asked of his Majesty's Ministers is the most trifling that can be imagined. It is not for money or patronage, or to abandon any source of revenue, but simply to permit persons who are interested in Antiquarian and Historical inquiries to consult those records which in many cases are perishing, from the want of light and air. The Government is merely solicited to prevent the whole Empire from being kept any longer in error with respect to its History, in order that *six or seven* persons may derive a handsome income from the use of the public muniments.

Is it consistent with the feelings of the age that Historical knowledge should be bonded and taxed

like an article of commerce? or that the world must receive the blunders, the falsehoods, and the prejudices of a race of monkish Chroniclers, as pure historical truths, for no other reason than that access to genuine materials would interfere with the "vested interests" of six venerable old gentlemen? Will it be tolerated, when it is universally known, that any set of persons should hold universal dominion over the only authentic Historical evidence, with power to charge from six to ten shillings for every sight of each record, and to dole out its contents at the rate of one shilling for every seventy-two words? Or is it right or just that the laborious investigator of the Annals of his Country should be obliged to sue for permission to use a particular manuscript, that he may avoid paying a ruinous tax; and thus be placed at the mercy of the Keeper, to allow him to refer when, and so long, and to copy so much, as he may think proper?

Under such a system what can be the result but Histories of England remarkable only for their errors and deficiencies, and this without the slightest reproach to those who write them? A very different spirit has animated the Government with respect to the Arts, for the promotion of which paintings and statues have been purchased by the country. But suppose the pictures which have

thus become public property were only available to students on paying a heavy fee for permission to see, and a much heavier one for leave to copy them, would not the abolition of so injurious a restriction be earnestly advocated, both in and out of Parliament? The Elgin Marbles, like the public Records, are public property, and what would be said of a regulation which gave to the persons who receive handsome salaries for taking care of them, the right to withhold them from inspection, unless six and eightpence were paid, on every occasion, for looking at each, and if a still larger fee were demanded for copying an arm, or a leg, or the whole figure? Could any thing be conceived more likely to excite indignation, or more certain to produce complaints, than to render pictures or statues, which were purchased by, and are preserved at the expense of, the country for the promotion of the Arts, subject to imposts of such a nature? Yet this is literally the case with relation to what is even more necessary to Historians than are pictures and marbles to painters and sculptors, because artists may copy from nature.

The Historian's labours ought to be devoted to the discovery of truth; but the only authentic materials for the purpose are withheld from him by the special authority of the British govern-

ment, unless he pay a tax which amounts to a prohibition; and rather than that those materials should be useful in elucidation of History, they are permitted, in many cases, to rot! If this system is to continue for ever, two-thirds of the public muniments might as well be destroyed, because not above one-third is ever likely to be wanted for legal purposes. Though a government which might wilfully destroy sources of Historical knowledge would be certain of an immortality similar to that of the barbarians who burnt the Alexandrine Library, the difference is not very great between such a piece of Vandalism and allowing muniments to be withheld from those who desire to use them in illustration of the History of our Country.

Enough has been said to shew the importance in a literary point of view of a total change in the present system by which the Public Muniments are regulated; but the advantages which would attend it with relation to such Legal claims as require the production of Records are equally great.

The alteration would therefore have the effect of promoting the ends of Justice by enabling one description of causes to be tried at half the present expense; for at this moment the costs of prosecuting a claim for which records must be produced

are immense: whilst in consequence of the fees for searches it is scarcely possible to ascertain what evidence exists, so that it no doubt has often happened, that a plaintiff has been defeated for want of those documents which are allowed to be a prey to worms and spiders.

If the Records were properly arranged and indexed, and thrown open to the public, searches could be prosecuted, and such extracts and copies made as would enable a suitor to ascertain precisely what documents were necessary for his purpose. At present it costs a large sum before an individual is able to discover such records as bear upon his object,* and it may happen that after great trouble and expense he finds that both are thrown away. For "office copies" a fee of about one-third of the present amount might be charged; but if private individuals were permitted to transcribe what they please, "office copies" would often be unnecessary, as it would be cheaper to pay one of the officers for producing the original record.

But the most inconsistent part of the existing system is, that though in many Record Offices *the Crown* pays the Keepers and his Clerks *ample salaries for their services*, yet, whenever the Go-

* See Chapter IV. and particularly pages 50, 59, and 62.

vernment requires searches, or copies of records, or the originals to be produced, precisely the *same charges are demanded* as in the case of a *private individual*; that is, the Government pays its servants wages for their services, and on every occasion that it requires any service from them in return, it pays exactly the *same price* as those who give them no wages whatever!

In private life this could only happen in the instance of a profligate and careless master who kept, among a retinue of useless servants, a gardener to whom he gave the usual wages, but nevertheless was not permitted to walk in his garden, or to eat a single peach or any other article, without paying a large fee on each occasion.

CHAPTER X.

SCIENCE AND LITERATURE DESERVING THE HONORS OF
THE STATE—WANT OF ENCOURAGEMENT IN BOTH.

IN the preceding Observations on the impediments which, with the sanction of the Government, exist to the extension of Historical knowledge, all which has been asked for its advancement is, that the pure streams of information may be no longer dammed up, but that all those who wish to quench their thirst for Historical or Antiquarian inquiries, may be allowed to do so without expense. But this is not all which might be expected from a liberal and enlightened Administration, though it is the most important boon which it can grant, and without which all other assistance would be useless.

It is proper to inquire what the inducements are in this country for a man to devote his life to Science, or to the higher branches of Literature, of which branches History is undoubtedly entitled to the first rank.

The ordinary motives which influence a man on embracing any pursuit or profession, besides the love of fame, are a wish for rank and honors, and more generally a desire for money. It is notorious that Scientific or Historical acquirements are not productive of pecuniary advantages, because Scientific works rarely pay the expense of publication, and the demand is not greater for Historical or Antiquarian Literature. Possibly Dr. Lingard and Mr. Sharon Turner may have derived a slight benefit from their engagements with their publishers, but the amount does not bear any proportion to their labours; and it may be doubted if they have received so much as a clever artisan would have earned in the same time. Mr. Hallam's "Constitutional History" has not, it has been said, even paid its expenses, and the same remark applies to nearly every other work of an Historical nature, which has been published for the last ten years.

If the proceeds of the sale of such works have, in a few instances, covered the costs of the publication, a second edition has very rarely been required, and little, if any, profit has accrued to their authors or editors. Even "Pepys's Diary," the most entertaining, and consequently the most likely to be popular of the class, is by no means

a profitable speculation ; and it is unquestionable that, at this moment, no remuneration whatever is to be derived from the publication of a standard Historical book, by which is meant works containing letters or other historical evidence, or treating of any particular event in English History.

This circumstance alone is sufficient to explain why valuable works on History so rarely appear ; but a still more serious impediment to the publication of Historical researches remains to be stated.

Supposing that there are persons who can afford to devote themselves to pursuits so utterly profitless, in what way are they to give their labours to the world ? Not a single publisher in London, at this moment, will risk the cost of paper and print upon a volume illustrative of History, however interesting or important it may be. Not very long since a translation of the Journal of the Ambassadors, who were sent to negotiate the marriage of Henry the Sixth with the daughter of the Count d'Armagnac, was offered to *six* of the most eminent publishers in the Metropolis, and though the manuscript proved that every historian has materially erred on the subject of that negotiation, and abounds in curious and valuable notices of the state of the Arts and of Society, both in France and in this Country, in the middle of the fifteenth

century, *not one of them would print it on any terms*. From this fact, and many similar ones might be stated, the conclusion to be drawn is, that the public are generally as indifferent to Historical Literature as they are to Science; and that as publishers naturally will not print what does not sell, those who are desirous of promoting the knowledge of English history, must not only relinquish all hope of being remunerated for their labours, but they must also publish their researches at their own expense. Though there may be a few persons whose private fortunes admit of their bestowing their *time*, the number is limited indeed of those who can expend their *money* in this manner.

It is incontrovertible, that pecuniary advantages are not to be expected from publications on Science or History, and a life spent on either will end as it began, in poverty and comparative obscurity. Nor does eminence in those studies lead, in this country, to honors or distinctions of any kind.

Admission into the Royal Society, or the Society of Antiquaries, is any thing but an honor. The latter will not only receive any person as a member, but the situations of President and Vice Presidents, instead of being reserved for the most distinguished writers on History and Antiquities, are,

with the exception of Mr. Hallam, filled by individuals who have no pretensions to a profound knowledge of either ;* and in the Royal Society, the number of its members who are distinguished for their scientific attainments is extremely limited. Upon the total exclusion of Scientific and Literary men from the honors of the country, some very able remarks have recently appeared in the Quarterly Review, the only defect in which is, that Literature is thrown too far into the back ground. The superior pretensions of Science are conceded, but that superiority is not so disproportionably great as to justify the cavalier manner in which the writer, who is evidently a *scientific* person, seems disposed to treat Literature. As an instance of this partial feeling, the impolitic and iniquitous tax which obliges eleven copies of every work to be given to public libraries, is said not in any way to operate to the disadvantage of Literature, whereas every publisher, and every author of any experience, is aware that it acts in many instances as an obstacle to the production of standard books. It

* It was well observed in "The Times" of the 25th of November last: "It has always and truly been said that there is no royal [or noble] road to learning. Why should there be any royal [or noble] road to the highest honors which can be conferred on learning?"

is no more pretended that the author of every novel, or of every book of travels, than that he who amuses himself with "the cups and balls of Science," ought to receive a mark of honor; but the writer who devotes his life to the profitless study of History in either of its branches, or to any other unpopular, but important, subject, from the pure motive of wishing to increase the stock of knowledge, is surely as entitled to reward as he who from motives equally disinterested applies himself to Science. Deplorable as may be the present state of Science in England, the state of Literature is no less lamentable;* and those who carefully examine the works which issue from the press, will find, that every subject must, to use the words of publishers themselves on these occasions, be treated "in a light and popular manner," which means, as much divested of what is abstruse or profound as possible. Hence an author, who may be capable of, and desirous of doing,

* The Edinburgh Review for July last justly remarks, that "The study of Roman Antiquities has languished and dwindled away of late, together with certain other portions of good letters, to such puny dimensions, as to make tolerable, if not absolutely just, the remark of a satirical observer, that such is the literature of the present day, that a wise and pious man ought daily to return thanks, that no prince or people has power to force him to read it."—p. 394.

better things, is driven by pecuniary considerations, arising possibly from the duty which he owes to his family, to write a book, not according to his standard of value and ability, but according to the standard of the public taste, as defined by its caterer, the publisher. This is as degrading as injurious to Literature, but what other resource is there for a man of superior Scientific or Historical acquirements, who has no private fortune? The claims of each class on the Government are consequently equal, and to obtain the admission of those claims, the most distinguished Scientific persons, and the most eminent authors, should make it one common cause to press their pretensions to a share of the honors and public rewards of the country, upon the attention of the Crown and the Administration.

It would be untrue to say that there are no examples of honors having been bestowed by the sovereign in reward of Science or Literature, for of the many *hundred* Baronets and Knights who have been made in the last fifty years, Sir Humphrey Davy and Sir Walter Scott obtained the former rank from their talents, and a few Scientific persons have been Knighted.* Knighthood, however,

* "There is not at this moment," says the Quarterly Review, "with the exception of Sir James South, within the

has in no instance been conferred *for Literary merit*; and, incredible as it may seem, Sir Walter Scott is the *only* example in England of an *Author* having been distinguished by any title of honor since the accession of George the Third. Since that period, Physicians without number have been Knighted and made Barons, and Knighthood has been bestowed upon Architects, Chemists, Musicians, Painters, Merchants, Tradesmen, and, in short, upon every class of the community excepting upon *Literary men* for *Literary merit*.

It is by no means contended that simple Knighthood—the dignity which is offered to every tradesman who may become Lord Mayor or Sheriff of London,—is a suitable reward for Scientific or Literary eminence; and proper as it was to honor Sir James South with a mark of his Majesty's favor, the compliment lost nearly all its value from being bestowed, on the very same occasion, upon the Mayor of a provincial city on presenting an address, and upon one of the Sheriffs of London, neither of whom was in any way distinguished for his personal merits or services.

Every one must readily admit that it was not a single philosopher, however eminent, who bore the lowest title that is given to the lowest benefactor of the nation, or to the humblest servant of the crown!

highly proper to confer a mark of honor upon Sir James South, and the only objection which can be made to it is, that he deserved a higher dignity. But there are many other Scientific persons whose pretensions are fully equal to those of that eminent individual, great as they undoubtedly are, and if they are to be passed over, the act in favor of one becomes invidious to all.

It cannot be said with any thing like truth, that Literary eminence, purchased, as in many cases it must be, like Scientific fame, by the devotion of time and money to pursuits that yield in importance to Science only, and which like Science produce no remuneration in return, is not also deserving of royal encouragement; but as yet, claims of this nature have been wholly overlooked.

Though the rank of Knight Bachelor has lost nearly all its value in consequence of the miscellaneous description of persons who receive it, and because it is very seldom tendered as the reward of merit, the dignity of Baronet is not only valueless for the same reasons, but it would be improper to bestow it on Philosophers and Authors, because all *hereditary* honors, unless accompanied by an ample fortune for their support, have the effect of creating the greatest nuisances

which can infest a country, a race of titled persons without property, whose merits are not sufficient to buoy them up in the great ocean of society.

It is remarkable, that though the Bar, the Army, the Navy, Diplomacy, and Wealth, have proved passports to the Peerage, there is not a single example on record of that dignity being conferred as the reward of Scientific or Literary talents. It may be said, that though in theory the House of Lords requires the profoundest knowledge of *every description* for the public welfare, yet that experience has shewn the fallacy of such an idea; and upon this ground only can the extraordinary fact be explained, that not one of the men with whose fame that of this country is identified, has been raised to the Peerage. Were the legal and constitutional practice of occasionally creating Peers *for life* again adopted, the House of Lords would probably be distinguished by having some of the great names of the age among its members.

When the tremendous influence which the press possesses in England is considered, the anomaly becomes extremely glaring, that Literature should never have led to honors of any kind, or to a place in that branch of the legislature where talents would prove most beneficial to the community. One reason is, that in England there is no "esprit de corps"

among Literary or Scientific men ; and they have too often manifested a sycophantic deference to mere rank in the dedications of their works, and in the rules of Scientific and Literary Societies, which rank has properly repaid by the most sovereign contumely. If a Peer, and even a "son of a Peer," finds that he may become a Fellow of the Royal Society by virtue of a special law, dispensing with conditions which are enforced against the first philosopher of the day,* can he draw any other conclusion, than that he *confers* honor upon the Society by entering into it? Such a regulation is disgraceful in the extreme to the Royal,

^{to say} The Statute alluded to is as follows, and it is extraordinary that no notice is taken of it by Mr. Babbage, by Sir James South, or by the author of the pamphlet, entitled, "Science without a Head," in their criticisms on the Royal Society. The latter writer adverts to the Statute itself, but he is silent on the exception in favor of Peers, whilst from some of his remarks it would almost seem that he *approved* of their being thus *entreated to honor the Society* by joining it. Does Mr. Babbage, does Sir James South, think such a fawning deference to the Aristocracy a proper characteristic of the Royal Society in the year 1830? Their *science* would certainly be susceptible of such an inference, were it not that the idea of *their* approving of such a regulation is contradicted by the tone of honorable independence for which their publications are conspicuous.

Every person to be elected a Fellow of the Royal Society shall be proposed and recommended at a meeting of the Society, by three or more members, who shall then deliver to one of the Secretaries a paper signed by themselves, speci-

and any other Scientific or Literary Society, and until this stain be removed from their characters; it is absurd to talk of the neglect with which the professors of Science and Literature are treated by the Government and the Aristocracy.

The aristocracy of rank has hitherto, it is feared, been hostile to the admission of the claims of genius to a share of the honors of the State; but there exists at this moment an aristocracy of talent, whose political power has not yet wholly developed itself. It is not too late for the Government and the Peerage to consider whether it would not be expedient to produce, as far as may now be possible, a community of interests between those

fixing the name, rank, profession, and the usual place of residence of such person; all which shall be certified from their personal acquaintance with him or with his writings.

“A fair copy of which paper, with the date of the day when delivered, shall be fixed up in the common meeting room of the Society, at ten several ordinary meetings, before the said candidate shall be put to the vote. *Saving and excepting, that it shall be free for every one of his Majesty's subjects who is a PEER, or SON OF A PEER, of Great Britain or Ireland, and for every one of his Majesty's Privy Council, of either of the said Kingdoms, and for every foreign Sovereign Prince, or the son of a Sovereign Prince, or an Ambassador to the court of Great Britain, to be proposed by any single member, and to be put to the vote for election on the same day, there being present twenty-one members at the least, being the competent number for making elections.* Cap. 1, s. 111.

two bodies, by admitting the latter to some of the advantages of the former.

Can it be denied that those who have promoted the interests of their country, and of the world in general, by their Scientific discoveries, or instructed and enlightened mankind by their writings should be rewarded by those distinctions which in Great Britain have been hitherto confined to particular descriptions of services, of which services some have been as honorable, as others have been base? It is not, however, by the mere withholding of titles and marks of honor, that neglect or rather contempt for scientific and literary men has been manifested by the British government. They are

Upon a similar regulation in the Society of Antiquaries remarks have been made. See the note to page 33. It is proper to add, as an illustration of the propriety of these regulations, that when Peers are elected on the Council of either Society they rarely condescend to attend; that of the *sixty-three Temporal Lords* in the Royal Society, *not one* has contributed even a single paper to its "Transactions;" and that of the *fifty-nine temporal Lords* in the Society of Antiquaries, *one only* has written a paper for the "Archæologia." The criterion of merit adopted in estimating the Scientific pretensions of the Fellows of the Royal Society seems to be the *number* of their papers printed in the Society's "Transactions," but no allusion is made either by Mr. Babbage or by the author of "Science without a Head," to a far more satisfactory criterion,—the *value* of those papers. To use *that word* in relation to the "Archæologia," with the exception of one or two volumes, would be ridiculous.

carefully excluded from the direction of public institutions for the advancement of Science and Literature generally, as in the instance of Trustees of the British Museum,* or of particular departments of literature, as in the instance of the Commissioners for the Preservation of the Records, and of the Commission for Printing part of the Manuscripts in the State Paper Office. All that the Crown has ever done for the advancement of Science or Literature, were the acts of his late Majesty, who placed two medals at the disposal of the councils of the Royal Society, of the Society of Antiquaries, and of the Royal Society of Literature, and founded ten Literary fellowships of the value of £100 per annum.

Upon these fellowships all which will be said is, that it is by no means certain, that they have been conferred upon the most deserving persons, and that it is a great abuse of the institution to allow an individual whose church preferment exceeds £1000 per annum to enjoy one of them. The medals can scarcely be deemed a proper manifestation of the royal favor. If his late Majesty †

* See page 21.

† As the Sovereign is the fountain of honor, it is proper to attribute every thing connected with honorary distinctions to him in his individual capacity; but there is reason to believe that his late Majesty was not only anxious to establish an

had chosen the most gratifying and effectual method to reward scientific and literary merit; the plan would have been, not to place Medals which were not intended to be worn, and which conferred rank or title of honor, at the disposal of a Council of any Society, but to have given distinctions with his own hands, similar to those which he bestowed on his army and navy, and on his courtiers and friends, namely, by admitting them to one of the Orders of Knighthood.

It is not a little extraordinary that in every other order for civil merit, but that the arrangement was actually refused. His ministers however, it is said, refused their sanction, and the plan was abandoned. This refusal, when properly stated, means that individuals who had been well paid for every hour which they had devoted to the public, and who were themselves in the possession of high rank, refused to admit the claims of genius to a trifling but gratifying reward. On those personages could not be suspected of a community of feeling on the subject; their disapprobation was however what might be expected.

Mr. Babbage's remarks on the medals placed at the disposal of the Royal Society, may be consulted with advantage by those who consider that medals are of much utility in promoting science. — *Reflections on the Decline of Science in England*, p. 115—136. The value attached to Royal Medals by the Solons who govern the Society of Antiquaries has been pointed out. See p. 35.

So desirous was his late Majesty of rewarding his foreign subjects in this manner, that he founded two Orders for the purpose, that of the Guelphs of Hanover, and the Order of St. Michael and St. George, for Malta and the Ionian Islands,

country of Europe, Science and Literature, as well as Military merit, are rewarded by honorary distinctions,* though the greater part of those states are *military*; yet in England, which is *avowedly not a military country*, Civil merit has never been so distinguished.

Honors of that nature are reserved for Peers with Parliamentary influence, or who are personal friends of the Sovereign, or for diplomatic, military, or naval services; and Sir Joseph Banks is the only individual in *any way* connected with Science

into which *Civil* services of all kinds form grounds for admission. The Guelphic Order was most deservedly conferred upon Sir William Herschel.

* Numerous proofs of the patronage bestowed by the Sovereigns of all other countries in Europe on men of science, and authors are given in the article before referred to in the Quarterly Review. The case of Niebuhr, the celebrated Historian of Rome, is another instance, and forms a striking contrast to the manner in which historians are treated in England. "The author of the History of Rome has received singular encouragement and extraordinary reward: he was appointed ambassador to the Holy See, not because the King of Prussia was likely to have many disputes with his holiness about the frontiers of their dominions, but the Legation was created for the express purpose of enabling his excellency to enjoy advantages and facilities in pursuing his inquiries at Rome, which he could not have had in any other manner. On his return, to induce him to arrange his materials and make his views public, the Professorship of History was founded for him in the University of Berlin. He was adorned, so far as a mo-

who has been admitted into either of the various Orders of British Knighthood.

At the close of the late war in 1814 the Order of the Bath was very much extended. Instead of one class, it now consists of three classes, containing altogether not less than *seven hundred members*. The first class are called Knights Grand Crosses, and they are divided into *Civil* and Military Knights. But there are no *Civil* Knights of the inferior grades, and the rank of *Civil* Knight Grand Cross is bestowed in reward of Diplomatic services *only*.

The present state of the Order of the Bath presents however a favourable opportunity for conceding the claims of genius, unless his Majesty

narch can add to the honors of such a man, with many Orders and other decorations, and as a further recompense, that he might pursue his studies in an agreeable literary retirement. He was attached as a supernumerary under the name of a free associate to the University of Bonn; but

——— 'quæ munera fati

Acta viri pensare queant?

the means of rewarding literary merit are as ample in Great Britain as they are scanty in Prussia, where the government and individuals are as notoriously and proverbially poor as they are opulent here; nevertheless, the writer of a work equally distinguished by solid learning, useful instruction, and profound and liberal views, would find that there was no embassy or other public mission ready to promote his researches, that no University would open her arms to receive him, still less would badges of honor be accumulated upon him."—*Edinburgh Review*, July 1830, p. 391.

should prefer bestowing the various classes of his own *family* Order of the Guelphs upon the more distinguished labourers in the fields of Science and Literature; an act which would be greatly enhanced by its being his own spontaneous deed, and, consequently, having the character of a *personal* mark of royal favor. The Order of the Bath must be partially re-modelled, on account of the blunders and absurdities of the new regulations. Even the official instrument for the alteration has never been executed, and the statutes have not been printed, though the new Knights *paid* for their copies fifteen years ago, since which time many of them have died. If, therefore, it be, at last thought proper to admit Science, and Literature, and Art, as well as other Civil services to the Honors of the State, and thereby to concede the principle, that those who have promoted the happiness, the prosperity, and the knowledge of mankind, are as worthy of honors as those who have excelled in destroying their fellow creatures in war,* a proper opportunity will be afforded for the purpose.

By extending the *Civil* Knights Grand Crosses

* It is by no means intended by this expression to under-rate military and naval services, nor does the remark in the following eloquent passage in the Quarterly Review on the subject appear just, for success in battle, whether on the ocean or in the field, is not purchased by animal courage

from twelve to twenty, and instituting thirty *Civil Knights Commanders*, and perhaps fifty *Civil Companions*, the claims of Science, Literature, and Art, would be fully satisfied. The additional *Civil Knights* and *Civil Companions* should consist of persons who are the most celebrated in these pursuits; but the utmost care ought to be taken in the selection; and Scientific discoveries of importance, and works of unquestionable value, only, should entitle their authors to the distinction. The higher class of the Order ought to be

alone, but by professional skill, promptitude, and indomitable energy of mind.

However desirable these changes would be under any circumstances, their influence would be limited, and their operation cramped, *unless our literary and scientific men are allowed like other ranks in society, to aspire to the honors of the state.* No statute indeed disqualifies them from holding the titles which reward the services of other men, but custom, as powerful as statute, has torn all such hopes from their grasp, and while the mere possessor of animal courage, one of the most common qualities of our species, has been loaded with every variety of honour, the possessor of the highest endowments of the mind, he whom the Almighty has chosen to make known the laws and mysteries of his works, and he who has devoted his life, and sacrificed his health and the interests of his family in the most profound and ennobling pursuits, is allowed to live in poverty and obscurity, and to sink into the grave without one mark of the affection and gratitude of his country.

approached through the class immediately beneath it; so that a stimulus would exist to future exertions. By a measure of this kind, those who have spent their days in rendering their fellow-men wiser, more virtuous, and more useful, would be saved from having the privations of poverty increased by the most heart-rending of all feelings—to the consciousness of unmerited neglect.

Wealth never has been, and probably never will be, the result of high intellectual labours; but marks of honor from the Sovereign would secure respect to genius, and give dignity to poverty. Such an act would mark the reign of WILLIAM THE FOURTH with imperishable glory; for though his predecessors may have been aware of the *existence* of merit, the honor has been reserved for HIM to REWARD it.

But it may be asked, Can no pecuniary advantages be bestowed upon those who, from having devoted their lives and fortunes to pursuits which do not yield remuneration, require assistance from the Country? Nothing can be more easy, and this too, without adding to the public expenditure.

There are numerous situations, the duties of which require only a few hours daily attendance, but to which salaries of from £500 to £1200 a year are attached. Let some of these be bestowed

of men of Science, and those Literary persons whose works, though of high value, are not of that popular nature to produce profit to their authors.

To this it may be objected, that there is an obstacle. If these situations were given as the reward of talents, Peers and Proprietors of Boroughs must, like other parents, take care of their own offspring; and rather than produce so heavy a calamity, it might be preferable to allow all the Philosophers, Mathematicians, Astronomers, Historians, and other persons who have *nothing but their genius* to recommend them, to starve.

Unless something of the nature of the measures which have been adverted to be done for the encouragement of Science and History, it is hopeless to expect that either will advance. The present state of both is humiliating to the nation;* and so long as men of talent find a profitable occupation in popular literature, and know that eminence in pursuits of a higher character is suffered by the State to be, like virtue, its own reward, so long in

* Although the author of "Science without a Head" denies that Science has *declined* in England, even he admits that nearly every other state can boast of Scientific pre-eminence over this Country. His remarks on the effect of Honors in promoting Science may require refutation, when it is known how far *that writer* is an *authority* on such a subject.

the common nature of things will those pursuits be neglected.*

The vital importance of Science to a maritime nation like Great Britain is self-evident, nor is it likely to be denied that her History ought to be as accurate, as complete, and as satisfactory as existing materials can possibly render it.

For several centuries there was an Historiographer Royal, but the office was abolished from motives of economy, since which time *Booksellers have been the only patrons of Historical Literature in England*. The taste of the age has now, however, destroyed that patronage, limited and humble as it was; and those who, in despite of the thousand obstacles by which Historical inquiries are impeded, may be induced from a natural ardour which poverty cannot chill, nor neglect diminish, to remove any of the falsehoods, supply the defects, or illustrate the obscurities with which the History of England abounds, are entitled to some encouragement from the great fountain of honor, for the same reason that Scientific merits

* "Of Scientific men, some waste their hours in the drudgery of private lecturing, while not a few are torn from the fascination of original research, and are compelled to waste their strength in the composition of treatises for periodical works and popular compilations."—*Quarterly Review*.

deserve them ;—because there is no other reward, and because Science and History cannot be neglected by this Country, and be fostered by all others without National disgrace.

Let it be hoped, that a new era has dawned on Science and Literature by the recent Accession, and by the late change of His Majesty's Ministers ; and that the stigma upon the national character, that England is the only country in Europe in which Genius is excluded from the Honors of the State will be wiped away. The Sovereign by whom, as well as the Ministers, through whose advice the important objects advocated in Mr. Babbage's valuable work, and in this volume, may be accomplished, will be sure of immortal fame, because honors and rewards will be bestowed upon those who can commemorate their benefactors to the latest posterity, in the name of a constellation or a metal, or in the unfading pages of HISTORIANS, those great dispensers of posthumous glory :

“ Vixere fortes ante Agamemnona
Multi : sed omnes illacrymabiles
Urgentur, ignotique longâ
Nocte, carent quia vate sacro.”

NOTE.

IN page 27 it is remarked, that the revenues of the Society of Antiquaries exceed £2000 per annum; that the Society is by far the richest literary association in England, if not in Europe; but that the precise amount of its income had not been ascertained in consequence of the accounts being withheld from the members. A pamphlet, which has just appeared, intitled "Science without a Head," states that the present revenue of the Royal Society is £4647, in which case the remark on the resources of the Society of Antiquaries must be incorrect, for although £2000 is probably many hundred pounds under the actual receipts of that institution, still the amount must fall short of the income of the Royal Society. The calculation was made from the number of members, the Royal Society containing only 687, whilst the Society of Antiquaries has above 800, and the annual payments of each are full as large in the latter if not larger than in the former, hence the difference in their respective revenues probably arises from the Royal Society being possessed of other resources than the payments of its fellows. The mysterious manner in which the accounts of both Societies are kept cannot be too severely condemned. An explicit statement on the subject ought to be annually sent to every member, as is the case in most other chartered bodies.

As so much talent has been manifested in exposing the abuses of the Royal Society, and in suggestions for its improvement, it may require explanation why a few pages only have been devoted to the SOCIETY OF ANTIQUARIES in this work, and more especially why hints have not been offered for its amendment. The reason is a very simple one. Low as

the Royal Society may stand in the opinion of the world, there is no comparison whatever to be drawn between it and the Society of Antiquaries. In the latter institution the public do not feel the slightest interest, and it appears to be consigned, by universal consent, to well merited oblivion ; it being indeed a kind of living sepulchre for superannuated would-be literary individuals, of whose names, even, in most instances, the public has never heard and probably never will hear. The words " improvement," " zeal," " utility," or " public spirit," are naturally enough unknown in so dense an atmosphere. It was from fatal experience of the utter imbecility of that institution, and of the impossibility of exciting the fellows to a consciousness either of shame or virtue, until those who now manage its affairs are consigned to the only place which is more gloomy than that in which they have so long reigned, that prevented the Author of this volume from following the honorable example of Sir James South, Mr. Babbage, and the author of " Science without a Head," in prescribing for the cure, as well as pointing out the existence of the disease. He has in some degree, however, done it elsewhere.

The sense of the Royal Society has never yet been taken upon its condition, and until this be done there is ground for *hope*.

The sense of the Society of Antiquaries was taken upon its condition, and the enlightened members rushed to express their sentiments that it required *no improvement*,—an opinion which might, perhaps, have been expected from persons so utterly incompetent to judge of any subject connected with literature as the majority of those who immortalized themselves on that occasion ; and the individual who, with the aid of a few able friends, had ventured to make the appeal, after experiencing treachery from some of those who had expressed themselves as disgusted with the existing system as himself,

eagerly retired. Under these circumstances many will be astonished, rather than surprised, that in this work so much is said of the Society of Antiquaries: for who is there that can wish to know more?

Although much has been lately written on the Royal Society and the Society of Antiquaries, perhaps nothing which has been said is so just, in reference to what takes place at their weekly meetings, as the remark made on them by a Danish gentleman. He was admitted, as a visitor, on the same evening to both, and being asked on leaving the room of the Society of Antiquaries, what he thought of the proceedings, replied, "I do think it one great humbug." The same question being put to him at the close of the sitting of the Royal Society, he observed, "By Gar, I do think this one *greater humbug still*."

FINIS.

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ERRATA.

Page 53, It is said that the Index to the Chancery Proceedings in the Tower is *private*, and that three guineas are charged for consulting it. This is not strictly correct. That Index is *not private*, and the charge for searching it is ten shillings for each reign; but if the inquirer be uncertain as to the period, and wish to compound for a *general search*, then the sum of three guineas is taken, instead of ten shillings for each reign.

53, The *office* charge on the occasion alluded to was *nine guineas*, but it being *objected to* by the solicitors, it was *not paid*.

107, l. 8, for "from £5000 to £8000," read "from £5000 to £6000."

125, l. 3, *dele* "twice as."

160, l. 23, for "£950," read "£850."

182, l. 8, *dele* "universally."

In consequence of the haste with which the work was printed, a few *verbal* inaccuracies may be found, which are too obvious to require correction.

